

**STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION**

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In the Matter of:)	
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PROPOSED AMENDMENTS TO)	No. WQCC 20-51 (R)
<i>STANDARDS FOR INTERSTATE AND</i>)	
<i>INTRASTATE SURFACE WATERS,</i>)	
20.6.4 NMAC)	
_____)	

**THE NEW MEXICO ENVIRONMENT DEPARTMENT’S
CLOSING ARGUMENT AND PROPOSED STATEMENT OF REASONS**

This matter comes before the New Mexico Water Quality Control Commission (“Commission” or “WQCC”) upon a petition filed by the New Mexico Environment Department (“NMED” or “Department”) on August 19, 2020, proposing amendments to the State of New Mexico’s Standards for Interstate and Intrastate Surface Waters, which are codified as Title 20, Chapter 6, Part 4 of the New Mexico Administrative Code (20.6.4 NMAC). Set forth below are the Department’s closing argument, and proposed statement of reasons.

CLOSING ARGUMENT

As the Petitioner, the Department has put forth the legal and technical bases for its proposed amendments in the form of written and oral testimony from its witnesses, as well as supporting exhibits. Given the substantial evidence supporting adoption of the amendments proposed already in the record, the Department does not offer additional closing argument on those proposals. However, in the interest of assisting the Hearing Officer in compiling the Hearing Officer’s Report and the Commission in its deliberations, the Department provides the following summations of evidence presented on certain contested proposed amendments.

Climate Change

The Department developed and presented to the Commission a new proposed objective for the Standards for Interstate and Intrastate Surface Waters in 20.6.4.6(D) NMAC, which affirmatively asserts that the standards “serve to respond to the inherent threats of climate change and provide resiliency for the continued protection and enhancement of water quality.” NMED Exhibit 141. To support this objective, the Department proposed a definition for the term “climate change” in 20.6.4.7(C) NMAC, specifying that the term “refers to any significant change in the measures of climate lasting for an extended period of time, typically decades or longer, and includes major changes in temperature, precipitation, wind patterns or other weather-related effects.” The definition further explains that climate change “may be due to natural processes or human-caused changes of atmosphere, or a combination of the two.” NMED Exhibit 141.

An objective addressing climate change and its accompanying definition are necessary so that all parties who use the water quality standards recognize that the standards protect water quality from and provide resiliency against the very real threat of climate change. With the objective of addressing and protecting against climate change promulgated as a regulation, consideration of this threat becomes a high-level goal that will direct and prioritize the actions of the Department and other parties when using the water quality standards. The Department recognizes that “climate change” is not a pollutant, a criterion, a use, or a hydrology, as other parties to this proceeding have pointed out, and notes that it is not the Department’s intent to change the implementation of the water quality standards by adding a climate change objective and definition. NMED Exhibit 106, pp. 12-13; Hearing Transcript (“Tr.”) Vol. 1, 244:16.

The Commission heard evidence that climate change has wide-ranging impacts on New

Mexico's surface waters. For example, climate change can cause increased air temperature that results in increased water temperature and dissolved oxygen levels, which leads to excessive stress on aquatic life. Climate change affects surface flows, which are necessary for aquatic life, drinking water supplies, and New Mexico's outdoor recreation economy, and causes harmful algal blooms when higher water temperatures and nutrient loads combine. Climate change influences climate patterns, resulting in more severe droughts, more precipitation falling as rain, and more intense precipitation events, which lead to increased runoff and flooding, pollutant loading, and powerful scouring events that impact aquatic life, public water supplies, irrigation, and recreation. Climate change causes increased wildfires, which can increase sediment and nutrient transport in storm runoff and introduce heavy metals and other contaminants from the burned area. NMED Exhibit 106, p. 13.

The federal Clean Water Act and state Water Quality Act provide authority for the Commission to include an objective addressing climate change and accompanying definition. The explicitly stated objective of the Clean Water Act is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a); NMED Exhibit 10. As the Department has demonstrated, climate change poses a major threat to this objective. The regulations that implement the Clean Water Act require states to protect existing uses for waterbodies by not allowing designated uses to be less stringent than existing uses. The Commission may only amend a designated use if it is not an existing use. 40 C.F.R. § 131.10; NMED Exhibit 22. The state's water quality standards have always protected water quality from anthropogenic impacts through its antidegradation policy, which maintains existing use protections and ensures that designated use protections are attainable and not arbitrarily lowered absent defensible investigation and demonstration in accordance with state and federal

regulations. NMED Exhibit 1, p. 11. The state Water Quality Act requires the Commission to adopt regulations to prevent and abate water pollution in the state, and take federal water quality requirements into account when doing so. NMSA 1978, § 74-6-4(E); NMED Exhibit 14.

As demonstrated in evidence presented to the Commission, there is an abundance of credible science that demonstrates climate change's very real and credible threat to global water resources. To that end, the Department crafted a definition of climate change in 20.6.4.7(C) NMAC based on the U.S. Environmental Protection Agency's ("EPA") definition. As EPA is at the forefront of climate change science and works with state, tribal, and local governments to build resiliency and develop tools to respond to climate change, its definition is an appropriate and relevant model for New Mexico's water quality standards. NMED Exhibit 1, p. 12; NMED Exhibit 33; Tr. Vol. 1, 129:19, 131:5.

Members of the public who provided comment throughout the hearing broadly supported the Department's proposed amendments to include a climate change objective and definition. Of all public comments received during the hearing, only three did not urge the Commission to adopt language relating to a climate change objective and definition. Some members of the public felt that the Department's proposed language on climate change did not go far enough to address the effects of human activity on the natural environment. Tr. Vol. 2, 610:15; Tr. Vol. 2, 614:17; Tr. Vol. 2, 629:20; Tr. Vol. 3, 1001:15; Tr. Vol. 3, 1011:3, Tr. Vol. 4, 1049:3, Tr. Vol. 4, 1195:15; Tr. Vol. 5, 1431:19; Tr. Vol. 5, 1435:2.

For the foregoing reasons, the Department requests that the Commission adopt its proposed objective relating to climate change in 20.6.4.6(D) NMAC and accompanying definition in 20.6.4.7(C) NMAC.

LANL Waters

As an outcome of a Joint Stipulation Regarding Proposed Changes to 20.2.4.128 NMAC (NMED Exhibit 72), a number of Hydrology Protocol surveys were performed on waters at the Los Alamos National Laboratory (“LANL”) to determine the appropriate protections for those waters. Based upon the data collected in those surveys by the parties to the Joint Stipulation, NMED proposed to create a new Section, 20.6.4.140 NMAC, breaking out certain intermittent waters within LANL from 20.6.4.128 NMAC, and amending 20.6.4.128 NMAC accordingly. NMED Exhibit 4, pp. 25-48; NMED Exhibit 64; NMED Exhibit 109, pp. 37-78; Tr. Vol. 4, 1283:12-1320:15.

The U.S. Department of Energy (“DOE”) and Triad National Security, LLC (“Triad”) (collectively “Triad/DOE”) propose their own amendments to 20.6.4.126 NMAC, asserting that the waters previously classified in 20.2.4.128 NMAC but subsequently found to be perennial (and therefore no longer classified in 20.6.4.128 NMAC by the plain language of that Section) should be classified in 20.6.4.126 NMAC. LANL Exhibit 2, pp. 6-37 (2020 TR LANL-00028 - 00057); LANL Exhibit 3, pp. 7-31 (2020 TR LANL-00066 - 00090); LANL Exhibit 4, pp. 6-36 (2020 TR LANL-00109 - 00137); LANL Exhibit 57, pp. 17-18 (2020 TR LANL-01075 - 01076); LANL Exhibit 58, pp. 12-23 (2020 TR LANL-01090 - 01101); LANL Exhibit 59 (2020 TR LANL-01116 - 01151); LANL Exhibit 60 (2020 TR LANL-01152 - 01171); Tr. Vol. 4, 1321:8-1394:20, 1404:15-1414:21.

NMED and the Commission have already contemplated this particular set of facts, where a formerly classified waterbody is no longer described accurately by its former classification. The WQCC-approved Water Quality Management Plan (“WQMP”) (NMED Exhibit 64), last approved by both the Commission and EPA in late 2020, provides clear instruction in a case

such as this. *See* NMED Exhibit 64, pp. II-5 through II-8, in particular the flowchart on p. II-8. It is clear based upon the right side of the flowchart that portions such as the portions of waterbodies at LANL formerly classified in 20.6.4.128 NMAC will now default to 20.6.4.99 NMAC.

20.6.4.99 NMAC is the “catch-all” for unclassified perennial waterbodies. Besides the flowchart in the WQMP, the language of 20.6.4.99 NMAC itself appears to make it a “catch-all” segment (“All perennial surface waters of the state except those classified in 20.6.4.101-899 NMAC”). Therefore, the portions at LANL in question, formerly classified in 20.6.4.128 NMAC, are presently in 20.6.4.99 NMAC. That is the purpose of a “catch-all” segment, to ensure that as soon as there is information that waters can attain higher uses, they immediately default to that classification.

Triad/DOE argues that somehow these waters were moved to 20.6.4.126 NMAC when the HP was completed and the waters were found to be perennial. However, 20.6.4.126 NMAC has specific geographic delineations (“Perennial portions of Cañon de Valle from Los Alamos national laboratory (LANL) stream gage E256 upstream to Burning Ground spring, Sandia canyon from Sigma canyon upstream to LANL NPDES outfall 001, Pajarito canyon from Arroyo de La Delfe upstream into Starmers gulch and Starmers spring and Water canyon from Area-A canyon upstream to State Route 501”) which the waters in question are not contained in. 20.6.4.126 NMAC is not a catch-all segment, the plain language of the segment itself does not describe the waters in question, and therefore those waters are classified under 20.6.4.99 NMAC.

In its proposed amendments to 20.6.4.126 NMAC, Triad/DOE requests to amend designations for perennial waters that are currently unclassified, as defined in 20.6.4.11(H) NMAC. Currently, these unclassified perennial waters have designated uses and criteria as listed

in 20.6.4.99 NMAC. Triad/DOE proposes to amend protections for these waters to be equivalent to those identified in 20.6.4.126 NMAC which has a less stringent designated recreational use. In accordance with 20.6.4.15(A)(1) NMAC, the Commission may only adopt subcategories of an existing use requiring less stringent criteria if a use attainability analysis (“UAA”) demonstrates that attaining the designated use is not feasible.

NMED recognizes that Triad/DOE has the right to petition the Commission for an amendment to a designated use. Prior to the Commission amending a designated use to one with less stringent criteria, however, any petitioner other than NMED must follow the procedures of 20.6.4.15(D) NMAC to conduct a UAA. These procedures require a petitioner to develop a work plan for the UAA, with review by NMED and EPA, and approval by NMED. In this instance, these steps have not occurred. NMED has never received a workplan for a UAA from Triad/DOE to conduct a UAA for the waters they propose to add to 20.6.4.126 NMAC, which must occur before they conduct a UAA and petition the Commission to amend a designated use to be less stringent. Triad/DOE did not complete such a UAA prior to the hearing in this matter; therefore its proposed amendment fails as a matter of law.

NMED also notes that Triad/DOE proposes amendments to 20.6.4.15(A) NMAC that would, if adopted, eliminate the need to conduct a UAA in this circumstance. The Commission may ultimately choose to adopt Triad/DOE’s proposed amendments to 20.6.4.15(A) NMAC. In the meantime, however, all parties must follow the regulations that are currently in existence, which require submitting a workplan, receiving comments and approval, and conducting a UAA before seeking to amend a designated use to be less stringent.

PROPOSED STATEMENT OF REASONS

I. Procedural Background

1. On August 18, 2020, the Department submitted its Petition to Amend the State of New Mexico's Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC) and Request for Hearing ("Petition").

2. The Petition came before the New Mexico Water Quality Control Commission for consideration at its October 13, 2020, regular meeting.

3. On October 19, 2020, the Commission issued its Order for Hearing and Appointment of Hearing Officer ("Order for Hearing"), appointing Gregory Chakalian as Hearing Officer and setting the hearing for July 13, 2021. In its Order for Hearing, the Commission specified that the scope of the rulemaking was limited to the amendments proposed by the Department in its Petition, and any logical outgrowths thereof.

4. On November 9, 2020, the Hearing Officer issued a Procedural Order which included a table of relevant deadlines. On April 1, 2021, the Hearing Officer issued an Order Granting Amigos Bravos' Unopposed Motion for Extension of Time to File Notices of Intent to File Direct and Rebuttal Testimony, and adjusting the table of relevant deadlines accordingly.

II. Public Outreach

5. In July 2020 the Department held three stakeholder outreach sessions for Department-identified and self-identified stakeholders, using the slides eventually filed as NMED Exhibit 82. NMED Exhibit 4, p. 50.

6. In November 2020, the Department also provided a public comment period for proposed amendments. Notification was distributed via several outlets, including posting the notification on the Surface Water Quality Bureau's main webpage, the Water Quality Standards webpage, and the

2020 Triennial Review webpage (NMED Exhibit 83). The Department provided notification in both English and Spanish (NMED Exhibit 84) through a GovDelivery email distribution to 1,805 individuals subscribed to the Bureau's distribution list (NMED Exhibit 85); notification to 37 individuals representing 24 tribes (NMED Exhibit 78); and 101 identified stakeholders (NMED Exhibit 86). NMED Exhibit 4, p. 52.

7. The public comment period was initially open from November 2, 2020, through December 2, 2020; however, due to public response, the Department extended the period for an additional 35 days through January 6, 2021. The Department conducted two virtual public meetings as a part of the public outreach efforts. The first was held on November 12, 2020, at 5:30 p.m. (NMED Exhibit 87), which 36 individuals attended, and the other on November 16, 2020, at 2:30 p.m. which approximately 17 individuals attended. NMED Exhibit 4, p. 52.

8. As a result of the public comment period and outreach discussions, the Department received approximately 200 comments regarding the proposed amendments. The Department posted the comments, as submitted, on the Department's Triennial Review webpage. NMED Exhibit 4, p. 53.

9. On March 12, 2021, more than four months prior to the hearing and more than six weeks prior to the eventual due date for Notices of Intent to Present Technical Testimony, the Department filed an amended version of the proposed amendments.

III. Public Notice and the Hearing

10. Public Notice of the hearing was timely provided in accordance with all relevant state and federal laws. NMED Exhibit 4, pp. 53-56.

11. The following non-petitioning parties ultimately entered appearances in this proceeding: Amigos Bravos; The Gila Resources Information Project ("GRIP") and Communities for Clean

Water (“CCW”) (collectively “CCW-GRIP”); The New Mexico Mining Association (“NMMA”); The U.S. Department of Energy and Triad National Security (“Triad/DOE”); The San Juan Water Commission (“SJWC”); and the Buckman Direct Diversion Board (“Buckman”).

12. On May 3, 2021, the Parties filed their Notices of Intent to Present Technical Testimony, including the pre-filed written direct testimony of their witnesses.

13. On June 22, 2021, the Parties filed their Notices of Intent to Present Technical Rebuttal Testimony, including the pre-filed written rebuttal testimony of their witnesses.

14. A public hearing was held via the Webex online meeting platform from July 13, 2021 through July 16, 2021, and then finally on July 21, 2021. The Commission heard testimony from all the Parties. Public comments were heard from a number of interested persons.

15. The Commission allowed all interested persons a reasonable opportunity to submit data, views, and arguments, and to examine witnesses.

16. The record containing all pleadings, written testimony, exhibits, hearing transcripts, public comments, and Hearing Officer Orders has been submitted to the Commission for review in compiling the statement of reasons in this matter. NMED’s final proposed changes to 20.6.4 NMAC, including post-hearing edits, are included as NMED Exhibit 141 to this Proposed Statement of Reasons.

17. NMED has made a number of post-hearing changes and edits to its proposed amendments to 20.6.4 NMAC, which are explained herein. These edits and changes are summarized as follows:

20.6.4.7(A)(8) NMAC – Removed the word “be” and added “have criteria” and “criteria for the” to clarify the stringency applies to the criteria not the use.

20.6.4.7(C) NMAC – Removed the definition for “contaminants of emerging concern” based on the renaming of the definition of “contaminants of emerging concern” to “emerging contaminants.”

20.6.4.7(C) NMAC – Amended subsection references following moving “contaminants of emerging concern” to “emerging contaminants.”

20.6.4.7(E) NMAC – Added the definition for “emerging contaminants” based on the renaming of “contaminants of emerging concern” to “emerging contaminants.”

20.6.4.7(E) NMAC – Amended subsection references following moving “contaminants of emerging concern” to “emerging contaminants.”

20.6.4.11(I) NMAC – Changed the subsection reference based on a typographic error when re-establishing language in 20.6.4.11(H) NMAC.

20.6.4.13(F) NMAC – Changed language from “contaminants of emerging concern” to “emerging contaminants” based on the amendment to the term in the definitions.

20.6.4.103 NMAC – Added “Las Animas creek” based on Commissioner Patten’s cross-examination of Ms. Aranda on July 16, 2021. Tr. Vol. 4, 1056:10-1058:25.

20.6.4.105 NMAC – Changed language from “effluent conditions” to “effluent requirements.”

20.6.4.106 NMAC – Changed language from “effluent conditions” to “effluent requirements.”

20.6.4.112 NMAC – Added “Las Animas creek” based on Commissioner Patten’s cross-examination of Ms. Aranda on July 16, 2021. Tr. Vol. 4, 1056:10-1058:25.

20.6.4.140 NMAC – Changed the word “Two-Mile” to “Twomile” to accurately reflect the waterbody being referred to.

IV. Authority

18. The Commission is responsible for adopting water quality standards for surface and ground waters of the state to “protect the public health and welfare, enhance the quality of water and serve the purposes of the [Water Quality Act].” NMSA 1978, § 74-6-4(D). Standards must be based on “credible scientific data and other evidence appropriate under the [Water Quality Act].” *Id.* In adopting standards the Commission “shall give weight it deems appropriate to all facts and circumstances, including the use and value of the water for water supplies, propagation of fish and wildlife, recreational purposes and agricultural, industrial and other purposes.” *Id.*

19. The Water Quality Act further requires the Commission to adopt regulations to prevent or abate water pollution in the state. NMSA 1978, § 74-6-4(E). In adopting regulations, the Commission shall give weight it deems appropriate to all relevant facts and circumstances, including:

- (1) character and degree of injury to or interference with health, welfare, environment and property;
- (2) the public interest, including the social and economic value of the sources of water contaminants;
- (3) technical practicability and economic reasonableness of reducing or eliminating water contaminants from the sources involved and previous experience with equipment and methods available to control the water contaminants involved;
- (4) successive uses, including but not limited to domestic, commercial, industrial, pastoral, agricultural, wildlife and recreational uses;
- (5) feasibility of a user or a subsequent user treating water before a subsequent use;
- (6) property rights and accustomed uses; and
- (7) federal water quality requirements.

Id.

20. Any person, including the Department, may petition the Commission at any time to adopt, amend, or repeal a water quality standard or regulation. NMSA 1978, § 74-6-6(B). The Commission is required to hold a public hearing in order adopt, modify, or repeal a standard or regulation. NMSA 1978, § 74-6-6(A).

21. The federal Clean Water Act at 33 U.S.C. §1313(c)(1), and the Commission’s regulations at 20.6.4.10(A) NMAC, require the State to, at least once every three years, hold public hearings for the purpose of reviewing applicable water quality standards and proposing, as appropriate, necessary revisions to water quality standards. This process is generally known as the “Triennial Review.” The U.S. Environmental Protection Agency (“EPA”) approved the last such revisions in August of 2017. Petition, pp. 1-2.

22. “The Commission is the state water pollution control agency for this state for all purposes of the federal [Clean Water Act]” [NMSA 1978, § 74-6-3(E)] and has the duty to “adopt water

quality standards for surface and ground waters of the state based on credible scientific data and other evidence appropriate under the Water Quality Act.” NMSA 1978, § 74-6-4(D). “The department of environment shall provide technical services ... pursuant to the federal [Clean Water] Act.” NMSA 1978, § 74-6-4(F).

V. Statement of Reasons

20.6.4.6 NMAC - Climate Change Objective

23. The Department proposed to add an objective in 20.6.4.6(D) NMAC indicating that “[t]hese surface water quality standards serve to respond to the inherent threats of climate change and provide resiliency for the continued protection and enhancement of water quality.” NMED Exhibit 1, pp. 11-12; NMED Exhibit 106, pp. 3-14; Tr. Vol. 1, 116:20-128:12.

24. SJWC opposed the Department’s proposed amendment on the grounds that neither the federal Clean Water Act or state Water Quality Act state that a goal of the water quality standards is to address or respond to climate change, and that there is no basis for adding climate change as an objective when there are other sources of impairment that are not in the objectives. SJWC [Exhibit] 2, pp. 3-8; Tr. Vol. 1, 223:3-230:13.

25. Amigos Bravos supported the Department’s proposal to add an objective addressing climate change, but proposed alternative language to provide additional context on how climate change impacts New Mexico’s waters. AB Exhibit 1, p. 1; AB Exhibit 3, pp. 2-6; Tr. Vol. 1, 184:8-194:11.

26. The Department considered the rationales and arguments put forward by SJWC and Amigos Bravos’ written direct testimony and modified the proposed climate change objective to better reflect how the regulations will address climate change, while noting that the objective will

not change implementation of water quality standards. NMED Exhibit 106, p. 10-11; NMED Exhibit 110; Tr. Vol. 1, 127:2-128:8.

27. Triad/DOE opposed the Department's proposed amendment on the grounds that the objective does not contain enough detail about what actions are required to meet the objective. LANL Exhibit 59, pp. 34-36; Tr. Vol. 1, 244:12-246:10.

28. CCW-GRIP supported the Department's proposal to include an objective related to climate change, but suggested alternative language. CCW-GRIP Exhibit 5; Tr. Vol. 1, 123:8-124:4.

29. Amigos Bravos proposed additional climate change objective language shortly before the start of the hearing, but the Department did not alter its proposed definition as a result. AB Exhibit 24; NMED Exhibit 141; Tr. Vol. 1, 127:23-128:12.

30. Based on the weight of the evidence, the Commission finds the Department's proposal to explicitly name response to the threat of climate change and resiliency for the continued protection and enhancement of water quality to be well-taken. For this reason, the Commission adopts the Department's proposal to amend the objective section in 20.6.4.6 NMAC as proposed by the Department.

20.6.4.7(A) NMAC - Definitions - 4Q3

31. The Department proposed adding the definition of the term "4Q3" to the definitions section in 20.6.4.7 NMAC and deleting the definition of the term from 20.6.4.11(B)(2) NMAC. As provided in the Department's proposed amendments, this definition would become paragraph 20.6.4.7(A)(1) NMAC. NMED Exhibit 1, p. 13; NMED Exhibit 110; Tr. Vol. 1, 273:24-275:4.

32. The definition of "4Q3" is in the middle of a paragraph in 20.6.4.11 NMAC. Moving the definition from 20.6.4.11(B)(2) to 20.6.4.7(A)(1) NMAC would make it easier to locate by placing it with other definitions. NMED Exhibit 1, p. 13; Tr. Vol. 1, 273:24-275-4.

33. No party objected to these changes. Based on the weight of the evidence, the Commission finds the Department's proposal to move the definition of "4Q3" is well-taken and agrees with the Department's amendments to 20.6.4.7(A)(1) and 20.6.4.11(B)(2) NMAC as proposed.

20.6.4.7(A) NMAC - Definitions - Attainable Use

34. The Department proposed to amend the definition of "Attainable" to that of "Attainable use" to aid in the implementation of Water Quality Standards. NMED Exhibit 4, p. 3; NMED Exhibit 9; Tr. Vol. 2, 321:22-323:23.

35. As written, the definition for "attainable" does not clarify that it refers specifically to a type of use for a surface water of the state. Other uses for surface waters of the state are "designated use" and "existing use," both of which include the word "use" in their definitions to distinguish them from the common usage of the word. NMED Exhibit 4, pp. 3-4; Tr. Vol. 2, 321:22-323:23.

36. Triad/DOE objected to the inclusion of the word "use" as it would limit the term to uses that are achievable by the imposition of effluent limits. Triad/DOE further argue that this excludes many of the factors that prevent attainment of a use in 40 C.F.R. 131.10(g). LANL Exhibit 63, pp. 8-10; Tr. Vol. 2 385:1-386:23.

37. Triad/DOE pointed out that the application of stringency is not applicable to a use but rather a criteria. NMED agreed with this point and revised its proposal for the last sentence of the proposed definition to read "An attainable use may or may not have criteria as stringent as the criteria for the designated use." LANL Exhibit 62; NMED Exhibit 110; Tr. Vol. 2, 326:1-20.

38. No other party provided testimony regarding these changes. Based on the weight of the evidence, the Commission finds the Department's proposal to amend the definition of "Attainable" to t "Attainable Use" is well-taken and agrees with the Department's amendments to 20.6.4.7(A) NMAC as proposed.

20.6.4.7(B) NMAC - Definitions - Baseflow

38. The Department proposed to add a definition of the term “baseflow” in 20.6.4.7(B) NMAC to assist with implementation of the water quality standards. The term “baseflow” will also provide clarity for the Department’s proposed definition of “effluent dominated” in 20.6.4.7(E) NMAC. NMED Exhibit 1; NMED Exhibit 106; NMED Exhibit 110; Tr. Vol. 1, 276:7-276:17.

39. The Department does not propose to add the term “baseflow” to any other section of 20.6.4 NMAC. However, the concept of baseflow, as proposed in 20.6.4.7(B)(1), is often evaluated when analyzing water quality and pollutant loading into surface waters. Baseflow is used in National Pollutant Discharge Elimination System (“NPDES”) permits and the Bureau’s Comprehensive Assessment and Listing Methodology (“CALM”). For these reasons, a definition of “baseflow” has wider applicability beyond 20.6.4 NMAC and provides for consistent application of the water quality standards. NMED Exhibit 1, p. 13; NMED Exhibit 110; Tr. Vol. 1, 276:11-278:6.

40. SJWC opposed the Department’s proposed inclusion of a definition for “baseflow.” SJWC [Exhibit] 2, p. 7 (2020 TR SJWC-0010); Tr. Vol. 2, 412:24-413:24.

41. Triad/DOE opposed the Department’s proposed inclusion of a definition for “baseflow.” LANL Exhibit 58, pp. 24-27 (2020 TR LANL-01102 - 01105); LANL Exhibit 59, p. 32 (2020 TR LANL-01147); Tr. Vol. 2, 408:10-410:5; Tr. Vol. 2, 396:21-398:5.

42. Amigos Bravos originally opposed the Department’s proposed inclusion of a definition for “baseflow,” but later revised its position to oppose reference to the term “effluent dominated” in the “baseflow” definition. Amigos Bravos then proposed alternate wording for a definition of “baseflow,” in the form of removing the term “effluent dominated” and replacing it with the word “some.” AB Exhibit 1, p. 3; AB Exhibit 10, p. 4; Tr. Vol 2, 422:23-426:13.

43. Based on the weight of the evidence, the Commission finds the Department's proposal to add a definition of "baseflow" at 20.6.4.7(B)(1) NMAC is well-taken and agrees with the Department's amendments to 20.6.4.7(B) NMAC as proposed.

20.6.4.7(C) NMAC - Definitions - Climate Change

44. The Department proposed to add a definition of "climate change" in 20.6.4.7(C) NMAC to support and clarify the proposed inclusion of the above-described climate change objective. The Department based its proposed definition on EPA's publicly available climate change definition, which is similar to other leading climate science organizations' definitions. NMED Exhibit 1, p. 12; NMED Exhibit 33; Tr. Vol. 1, 128:19-134:7.

45. SJWC objected to the Department's proposal to add a definition of "climate change" because it objects to the inclusion of an objective in 20.6.4.6 NMAC that relates to addressing climate change. As the term "climate change" does not appear elsewhere in the regulations, SJWC argues that the definition is unnecessary if the Commission does not adopt the Department's proposed climate change objective. SJWC [Exhibit] 2, pp. 3-7 (2020 TR SJWC-0006 - 0010); SJWC [Exhibit] 3, pp. 1-4 (2020 TR SJWC-0192 - 0195); Tr. Vol. 1, 223:10-230:13.

46. Triad/DOE also objected to the Department's proposal to add a definition of "climate change" on the basis that the definition is unnecessary if the Commission does not elect to adopt an objective relating to climate change, which it also opposes. LANL Exhibit 59, pp. 33-36; Tr. Vol. 1, 244:12-246:10.

47. NMMA originally objected to the Department's proposal to include a definition of "climate change," but later withdrew that objection. NMMA NOI, pp. 3-4, Tr. Vol. 1, 133:23-134:1.

48. Based on the weight of the evidence and the Commission's decision to adopt an objective that addresses climate change for 20.6.4 NMAC, the Commission finds the Department's proposed

amendment to add a definition of “climate change to 20.6.4.7(C) NMAC to be well-taken and adopts this amendment as proposed.

20.6.4.7(C) NMAC - Definitions - Contaminants of Emerging Concern

49. The Department proposed adding a definition of the term “contaminants of emerging concern” as a reference because it proposes to use the term elsewhere in the standards in the general criterion for toxic pollutants. NMED Exhibit 2, p. 4; NMED Exhibit 107, pp. 2-5; NMED Exhibit 110; Tr. Vol. 2, 436:7-441:24.

50. The Department agreed with CCW-GRIP that the term “emerging contaminants” is clearer than “contaminants of emerging concern,” and has incorporate this term into the proposed amendments to 20.6.4 NMAC submitted with this Statement of Reasons as proposed 20.6.4.7(E)(3). NMED Exhibit 141.

51. SJWC opposed the Department’s proposed inclusion of a definition for “contaminants of emerging concern.” SJWC [Exhibit] 2, pp. 7-8 and 16-17 (2020 TR SJWC-0010 - 0011 and 0019 - 0020); Tr. Vol. 2, 582:2-587:13.

52. Triad/DOE opposed the Department’s proposed inclusion of a definition for “contaminants of emerging concern.” LANL Exhibit 5; LANL Exhibit 63; LANL Exhibit 65; Tr. Vol. 2, 499:7-501:2, 555:12-556:15; 537:6-537:21.

53. NMMA opposed the Department’s proposed inclusion of a definition for “contaminants of emerging concern” in a summary of potential non-technical testimony. Although NMMA did not offer testimony on the Department’s proposed definition of “contaminants of emerging concern,” the Department made adjustments to the definition reflected in NMED Exhibit 110. NMMA NOI, p. 4.

54. Amigos Bravos supported adding a definition of “contaminants of emerging concern” and proposed an edit that the Department adopted in NMED Exhibit 110. AB Exhibit 10, pp. 3; AB Exhibit 11, pp. 2-3 and pp. 6-8; Tr. Vol. 4, 1167:3-1168:4.

55. CCW-GRIP supported the Department’s proposed addition of a definition of “contamination of emerging concern” and opposed Triad/DOE’s argument against including the definition. CCW-GRIP proposed calling the term “emerging contaminants,” rather than “contaminants of emerging concern,” which the Department adopted in NMED Exhibit 141. CCW-GRIP Ex. 1; Tr. Vol. 2, 619:4-622:25.

56. Based on the weight of the evidence, Commission finds the Department’s proposal to add a definition of “emerging contaminant” at 20.6.4.7(E)(3) NMAC is well-taken and agrees with the Department’s amendments to 20.6.4.7(E) NMAC as proposed.

20.6.4.7(E) NMAC - Definitions - Effluent Dominated

57. The Department proposed to add a definition of the term “effluent dominated” in 20.6.4.7(E) NMAC to assist with implementation of the water quality standards. The term “effluent dominated” is often evaluated when implementing the standards, specifically in Total Maximum Daily Load (“TMDL”) development, NPDES permitting, and state certifications of federally-issued permits. NMED Exhibit 1, pp. 13-14; NMED Exhibit 106, pp. 17-19; NMED Exhibit 110; Tr. Vol. 1, 281:1-271:16.

58. The Department does not propose to add the term “effluent dominated” to any other section of 20.6.4 NMAC. However, the concept of effluent dominated, as proposed in 20.6.4.7(E)(2), is often evaluated when implementing the water quality standards, specifically in TMDL development, NPDES permitting, and state certifications of federally-issued permits. For these reasons, a definition of “effluent dominated” has wider applicability beyond 20.6.4 NMAC and

provides for consistent application of the water quality standards. NMED Exhibit 1; NMED Exhibit 106; NMED Exhibit 110; Tr. Vol. 1, 282:1-287:12.

59. SJWC opposed the Department's proposed inclusion of a definition for "effluent dominated." SJWC [Exhibit] 2, p. 7 (2020 TR SJWC-0010); Tr. Vol. 2, 412:24-416:9.

60. Triad/DOE opposed the Department's proposed inclusion of a definition for "effluent dominated." In the alternative, Triad/DOE proposed an alternate definition in which NPDES permit discharges will not be required to continue discharging. LANL Exhibit 58, pp. 24-27 (2020 TR LANL-01102 - 01105); LANL Exhibit 59, p. 32 (2020 TR LANL-01147); Tr. Vol. 2, 408:10-410:5; Tr. Vol. 2, 396:21-398:5.

61. Amigos Bravos opposed the Department's proposed inclusion of a definition for "effluent dominated." AB Exhibit 1, p. 3; AB Exhibit 3, p.11; AB Exhibit 10, p. 4; Tr. Vol 2, 422:23-426:13.

62. Based on the weight of the evidence the Commission finds the Department's proposal to add a definition of "effluent dominated" at 20.6.4.7(E)(2) NMAC is well-taken and agrees with the Department's amendments to 20.6.4.7(E) NMAC as proposed.

20.6.4.7(H) NMAC - Definitions - Hardness

63. The Department proposed adding a definition of the term "hardness" to clarify the meaning of the term. As provided in the Department's proposed amendments, this definition would become paragraph 20.6.4.7(H)(1) NMAC, while the existing paragraphs 20.6.4.7(H)(1) and (2) NMAC would be renumbered as paragraphs 20.6.4.7(H)(3) and (4) NMAC, respectively. NMED Exhibit 3; NMED Exhibit 110; Tr. Vol. 2, 358:25-359:18.

64. The word "hardness" is used several times throughout 20.6.4 NMAC. Adding a definition would clarify the term, providing consistency when implementing the State's hardness-based

aquatic life use metals criteria [20.6.4.900(I) NMAC]. NMED Exhibit 3; Tr. Vol. 2, 358:25-359:18.

65. SJWC recommended removing the word “dissolved” before “hardness” in 20.6.4.12(F) NMAC and 20.6.4.900(I) NMAC, such that it aligns with the new definition, to eliminate redundancy and to clarify the term. SJWC [Exhibit] 2, p. 8 (2020 TR SJWC-0011).

66. The Department concurred with SJCW’s recommendation and removed the word “dissolved” before “hardness” in 20.6.4.12(F) and 20.6.4.900(I) NMAC in its proposed amendments to 20.6.4 NMAC. NMED Exhibit 108; NMED Exhibit 110.

67. No party objected to these changes. Based on the weight of the evidence, the Commission finds the Department’s proposal to add a definition of “hardness” is well-taken and agrees with the Department’s amendments to 20.6.4.7(H) NMAC as proposed.

20.6.4.7(H) NMAC - Definitions - Harmonic Mean Flow

68. The Department proposed adding the definition of the term “harmonic mean flow” to the definitions section in 20.6.4.7 NMAC and deleting the definition of the term from 20.6.4.11(B)(1) NMAC. As provided in the Department’s proposed amendments, this definition would become paragraph 20.6.4.7(H)(2) NMAC, while the existing paragraph 20.6.4.7(H)(2) NMAC would be renumbered as paragraph 20.6.4.7(H)(4) NMAC. NMED Exhibit 1; NMED Exhibit 110; Tr. Vol. 1, 275:10-275:20.

69. The definition of “harmonic mean flow” is in the middle of a subparagraph that sets forth the relationship of critical low flow to human health-organism only criteria as applied to water quality standards in 20.6.4.11 NMAC. Moving the definition from 20.6.4.11(B)(1) to 20.6.4.7(H)(2) definition would make it easier to locate by placing it with other definitions. NMED Exhibit 1; Tr. Vol. 1, 275:25-275-20.

70. No party objected to these changes. Based on the weight of the evidence, the Commission finds the Department's proposal to move the definition of "harmonic mean flow" is well-taken and agrees with the Department's amendments to 20.6.4.7(H) and 20.6.4.11(B)(1) NMAC as proposed.

20.6.4.7(L) NMAC - Definitions - Limited Aquatic Life

71. The Department proposed to amend language in the definition for "limited aquatic life" at 20.6.4.7(L)(2) NMAC to clarify that this designated aquatic life use is not limited in application only to ephemeral or intermittent waters. NMED Exhibit 4, pp. 4-5. NMED Exhibit 9; Tr. Vol. 2, 327:15-332:11.

72. Triad/DOE initially objected to this proposed amendment. LANL Exhibit 6, pp. 7-9 (2020 TR LANL-00172 - 00174); LANL Exhibit 62, pp. 8-10 (TR LANL-01194 - 01196).

73. Upon hearing NMED's testimony at hearing, however, Triad/DOE withdrew its objection. Tr. Vol. 2, 367:15-370:17.

74. Amigos Bravos objected to this proposed amendment. AB Exhibit 10, p. 5; AB Exhibit 11, p. 20.

75. Upon hearing NMED's testimony at hearing, however, Amigos Bravos withdrew its objection. Tr. Vol. 2, 422:17-423:7.

76. All parties who had initially objected withdrew those objections, and no other party objected to these changes. Based on the weight of the evidence, the Commission finds the Department's proposal to amend the definition of "limited aquatic life" at 20.6.4.7(L)(2) NMAC is well-taken and agrees with the Department's amendments as proposed.

20.6.4.7(M) NMAC - Definitions - Marginal Coldwater

77. The Department proposed to amend the definition of "marginal coldwater" at 20.6.4.7(M)(1) NMAC to clarify that this designated use is not limited to ephemeral or intermittent

waters, and to include those conditions that distinguish it from a coldwater aquatic life use designation. NMED Exhibit 4, pp. 5-7; NMED Exhibit 9; NMED Exhibit 109, pp. 2-6; NMED Exhibit 110; Tr. Vol. 2, 332:15-338:12.

78. Triad/DOE objected to this proposed amendment. LANL Exhibit 6, pp. 4-7 (2020 TR LANL-00169 - 0173); LANL Exhibit 62, pp. 3-8 (TR LANL-01189 - 01194); Tr. Vol. 2, 368:12-372:17.

79. Upon hearing NMED's testimony at hearing, however, Triad/DOE partially withdrew its objection. Tr. Vol. 2, 370:18-372:17.

80. SJWC also objected to NMED's proposal, arguing that a similar amendment was not proposed for the definition of "marginal warmwater." SJWC [Exhibit] 2, pp. 8-9 (2020 TR SJWC-0011 - 0012). Tr. Vol. 2, 416:10-418:10.

81. The Department provided substantial evidence in response to the objections of other parties. NMED Exhibit 109, pp. 2-6; NMED Exhibit 110; Tr. Vol. 2, 332:15-338:12.

82. Based on the weight of the evidence, the Commission finds the Department's proposal to amend the definition of "marginal coldwater" at 20.6.4.7(M)(1) NMAC is well-taken and agrees with the Department's amendments as proposed.

20.6.4.7(P) NMAC - Definitions - Persistent Toxic Pollutants

83. The Department proposed to add a definition of "persistent toxic pollutants" at 20.6.4.7(P)(3) NMAC to clarify its meaning, as the term describes certain pollutants with numeric criteria in 20.6.4.900(J)(1). NMED Exhibit 2, pp. 4-5; NMED Exhibit 110; Tr. Vol. 2, 432:8-433:11.

84. No party objected to the proposed addition of this definition. Based on the weight of the evidence, the Commission finds the Department's addition of the definition of "persistent toxic

pollutants” is well-taken and agrees with the Department’s amendments to 20.6.4.7(P) NMAC as proposed.

20.6.4.7(S) NMAC - Definitions - Surface Waters of the State

85. NMED proposed to amend the definition of “surface waters of the state” in 20.6.4.7(P) NMAC to make formatting changes in order to provide clarity. NMED Exhibit 3, pp. 3-4; Tr. Vol. 5, 1477:25-1478:18.

86. No party objected to the proposed addition of this definition. Based on the weight of the evidence, the Commission finds the Department’s proposed amendments to the definition of “surface waters of the state” is well-taken and agrees with the Department’s amendments to 20.6.4.7(S)(5) NMAC as proposed.

20.6.4.7(U) NMAC - Definitions - Unclassified Waters of the State

87. The Department proposed to move the definition of “unclassified waters of the state” to the definitions section in 20.6.4.7(U) NMAC from 20.6.4.11 NMAC and edit the definition for clarity. NMED Exhibit 2, pp. 2-3; Tr. Vol. 2, 352:19-353:20

88. SJWC objected to the Department’s proposed amendments to “unclassified waters of the state,” as it did not see a reason to move the definition and viewed the Department’s proposed changes as unnecessary and confusing. SJWC [Exhibit] 2, pp. 9-10 (2020 TR SJWC-0012 - 0013).

89. In response to written testimony from SJWC, the Department modified the proposed definition of “unclassified waters of the state.” SJWC then withdrew its objection. NMED Exhibit 110; Tr. Vol. 2, 353:10-17.

90. Based on the weight of the evidence, the Commission finds the Department’s proposed amendments to “unclassified waters of the state” well-taken and agrees with the Department’s amendments to 20.6.4.7(U) NMAC as proposed.

20.6.4.7(U) NMAC - Definitions - Use Attainability Analysis

91. Triad/DOE proposed to move the definition of “use attainability analysis” to the Definitions section, 20.6.4.7(U)(2) NMAC. LANL Exhibit 5, pp. 18-19 (2020 TR LANL-00157 - 00158).

92. NMED found this proposal to be consistent with other amendments associated with definitions, and updated its proposed amendments accordingly. NMED Exhibit 109, p. 35; NMED Exhibit 110.

93. Based on the weight of the evidence, the Commission finds NMED’s proposal to move the definition of “use attainability analysis” to 20.6.4.7(U)(2) NMAC is well-taken and agrees with NMED’s amendments to 20.6.4.7(U) NMAC as proposed.

20.6.4.8 NMAC - Antidegradation Policy and Implementation Plan

94. The Department proposed three amendments to the Antidegradation Policy and Implementation Plan at 20.6.4.8 NMAC. These amendments were for the purpose of adding clarity to that section. NMED Exhibit 3, pp. 4-5; NMED Exhibit 9.

95. No party objected to these changes. Based on the weight of the evidence, the Commission finds the Department’s proposal to amend the Antidegradation Policy and Implementation Plan at 20.6.4.8 NMAC is well-taken and agrees with the Department’s amendments to 20.6.4.8 NMAC as proposed.

20.6.4.9 NMAC - Outstanding National Resource Waters

96. The Department proposed amendments to the procedures for nominating an Outstanding National Resource Water at 20.6.4.9(A) NMAC to reflect the correct citation to the rulemaking procedures for the Commission. NMED Exhibit 3, p. 5; NMED Exhibit 9.

97. No party objected to these changes. Based on the weight of the evidence, the Commission finds the Department's proposal to amend the procedures for nominating an Outstanding National Resource Water at 20.6.4.9(A) NMAC is well-taken and agrees with the Department's amendments to 20.6.4.9(A) NMAC as proposed.

20.6.4.10(B) through (F), (H) NMAC - Review of Standards

98. The Department proposed to amend the language pertaining to reviewing and amending standards at 20.6.4.10 NMAC to clarify when and how a designated use or criterion may be amended for a surface water of the State. Related amendments to 20.6.4.12(H) NMAC and 20.6.4.318(C)(10) NMAC were also proposed, amending the references in those subsections to align with the proposed amendments to 20.6.4.10 NMAC. No new provisions were proposed which would impact the review of standards, the amendments were solely to provide additional clarity. NMED Exhibit 4, pp. 9-12; NMED Exhibit 9; Tr. Vol. 3, 936:22-941:9.

99. SJWC opposed certain of NMED's proposed amendments. SJWC [Exhibit] 2, pp. 12-15 (2020 TR SJWC-0015 - 0018); SJWC [Exhibit] 3, pp. 7-10 (2020 TR SJWC-0198 - 0201) Tr. Vol. 4, 1201:19-1203:23.

100. Triad/DOE opposed certain of NMED's proposed amendments. LANL Exhibit 3, pp. 32-40 (2020 TR LANL-00091 - 00099); LANL Exhibit 6, pp. 10-12 (2020 TR LANL-00175 - 00177); Tr. Vol. 3, 1016:3-1018:9; Tr. Vol. 4, 1100:4-1113:5.

101. Based on the testimony of Triad/DOE, NMED made certain changes to its proposed amendments, and provided rebuttal testimony in response to the testimonies of SJWC and Triad/DOE. NMED Exhibit 109, pp. 8-25; NMED Exhibit 110; Tr. Vol. 3, 936:22-941:9.

102. Based on the weight of the evidence, the Commission finds the Department's proposal to amend the language pertaining to reviewing and amending standards at 20.6.4.10 NMAC is

well-taken and agrees with the Department's amendments to 20.6.4.10 NMAC and related amendments to 20.6.4.12(H) NMAC and 20.6.4.318(C)(10) NMAC as proposed.

20.6.4.10(F)(1)(d) NMAC - Site Specific Criteria

103. Triad/DOE proposed amendments to 20.6.4.10(F) NMAC regarding site-specific criteria. LANL Exhibit 6, pp. 13-14 (2020 TR LANL-00178 - 00179); LANL Exhibit 62, pp. 11-13 (2020 TR LANL-01197 - 01199); Tr. Vol. 3, 1019:19-1024:11.

104. NMED did not propose any amendments to 20.6.4.10(F) NMAC beyond changing subsection and paragraph numbers and letters based on proposed amendments to other sections of 20.6.4.10 NMAC, a fact acknowledged by Triad/DOE's witness. NMED Exhibit 109, pp. 15-16; Tr. Vol. 3, 941:15-942:12. LANL Exhibit 62, p. 12 (2020 TR LANL-01198).

105. Triad/DOE conducted no outreach activities, nor did they publish any additional notice for this rulemaking proceeding to supplement that issued by NMED, therefore the public could not have reasonably anticipated the adoption of the amendments proposed by Triad/DOE to 20.6.4.10(F) NMAC - Site-specific criteria. Tr. Vol. 3, 942:4-12.

106. Even if the public could have reasonably anticipated adoption of the amendments proposed by Triad/DOE to 20.6.4.10(F) NMAC, the proposed amendments are not sufficiently protective of human health. NMED Exhibit 109, pp. 15-16; Tr. Vol. 3, 942:13-946:5.

107. Based on the reasoning above, the Commission declines to adopt the amendments to 20.6.4.10(F) NMAC as proposed by Triad/DOE.

20.6.4.11(B)(1) NMAC - Harmonic Mean Flow

108. The Department proposed to move the definition of "harmonic mean flow" from 20.6.4.11(B)(1) NMAC, Applicability of Water Standards, to the definitions section in 20.6.4.7(H). NMED Exhibit 2, p. 14; NMED Exhibit 110; Tr. Vol. 1, 275:10.

109. No parties objected to removing the definition of “harmonic mean flow” from 20.6.4.11 NMAC and placing it in 20.6.4.7 NMAC. Based on the weight of the evidence, the Commission finds the Department’s proposal is well-taken and agrees with the Department’s amendments to 20.6.4.11(B)(1) NMAC as proposed.

20.6.4.11(G) NMAC - Human Health-Organism Only Criteria

110. Triad/DOE proposed changes to 20.6.4.11(G) NMAC to remove the applicability of human health-organism only criteria from all water bodies except those with a designated, existing, or attainable fish consumption use. LANL Exhibit 6, p. 16 (2020 TR LANL-00181); LANL Exhibit 57, p. 10 (2020 TR LANL-01068); LANL Exhibit 62, pp. 15-16); Tr. Vol. 3, 809:23-815:4

111. The Department did not propose any amendments to 20.6.4.11(G) NMAC.

112. The Department opposed Triad/DOE’s proposed amendments to 20.6.4.11(G) NMAC, as the proposed amendments would leave every water in the state without the protection of human health criteria and conflict with 20.6.4.900(H) NMAC. NMED Exhibit 107, pp. 9-10; Tr. Vol. 3, 704:22-709:10.

113. CCW-GRIP also opposed Triad/DOE’s proposed amendments to 20.6.4.11(G) NMAC, on the grounds that New Mexico does not have a fish consumption use and human health-organism only criteria should apply to all waters with an aquatic life use. The Department agreed with CCW-GRIP’s reasoning. CCW-GRIP Exhibit 5; NMED Exhibit 107, pp. 9-10; Tr. Vol. 3, 709:13.

114. After hearing the Department and CCW-GRIP’s reasoning, Triad/DOE substantially withdrew the proposal to amend 20.6.4.11(G) NMAC. Tr. Vol. 3, 814:8-815:4.

115. Based on the reasoning above, the Commission declines to adopt the amendments to 20.6.4.11(G) NMAC as proposed by Triad/DOE.

20.6.4.11(H) NMAC - Unclassified Waters of the State

116. The Department proposed to move the definition of “unclassified waters of the state” from 20.6.4.11(H) NMAC, Applicability of Water Standards, to the definitions section in 20.6.4.7(U) NMAC. NMED Exhibit 2, p. 14; NMED Exhibit 110; Tr. Vol. 1, 275:10.

117. SJWC objected to the Department’s proposed amendments to “unclassified waters of the state,” as it did not see a reason to move the definition. SJWC Ex. 2, pp. 9-10 (2020 TR SJWC-0012 - 0013).

118. In response to written testimony from SJWC, the Department modified the proposed definition of “unclassified waters of the state” in 20.6.4.7(U) NMAC. SJWC then withdrew its objection to moving the definition from 20.6.4.11(H) NMAC. NMED Exhibit 110; Tr. Vol. 2, 353:10-17.

119. Based on the weight of the evidence, the Commission adopts the Department’s proposed deletion of the definition of “unclassified waters of the state” in 20.6.4.11(H) NMAC as proposed.

20.6.4.12(E) NMAC - Establishing Water Quality Criterion

120. Triad/DOE proposed changes to 20.6.4.12(E) NMAC to limit sampling and analysis to only the EPA-approved methods listed in 40 C.F.R. Part 136. LANL Exhibit 7, pp. 5-9 (2020 TR LANL-00189 - 00193); Tr. Vol. 3, 767:17-777:20.

121. The Department did not propose any amendments to 20.6.4.12(E) NMAC.

122. The Department opposed Triad/DOE’s proposed amendments to 20.6.4.12(E) NMAC, as the proposed amendments would eliminate the flexibility to use alternative methods to evaluate compliance with the water quality standards and protect human health. NMED Exhibit 106, pp. 2-3; Tr. Vol. 3, 711:4-715:1.

123. CCW-GRIP opposed Triad/DOE's proposed amendments to 20.6.4.12(E) NMAC, on similar grounds as the Department. CCW-GRIP Exhibit 5, pp. 7-9; Tr. Vol. 4, 1399:20-1401:25.

124. Buckman also opposed Triad/DOE's proposed amendments to 20.6.4.12(E) NMAC, on similar grounds as the Department. BDD Exhibit 1; BDD Exhibit 7; Tr. Vol. 3, 821:2-825:24.

125. There is no evidence in the record that Triad/DOE conducted any outreach activities or published any additional notice for this rulemaking proceeding to supplement that issued by NMED. Therefore, the public could not have reasonably anticipated the adoption of the amendments proposed by Triad/DOE to 20.6.4.12(E) NMAC.

126. Even if the public could have reasonably anticipated adoption of the amendments proposed by Triad/DOE to 20.6.4.10(F) NMAC, the proposed amendments are not sufficiently protective of human health. NMED Exhibit 106, pp. 3-9; Tr. Vol. 3, 711:4-715:1; Tr. Vol. 3, 821:2-825:24; Tr. Vol. 4, 1399:20-1401:25.

127. Based on the reasoning above, the Commission declines to adopt the amendments to 20.6.4.12(E) NMAC as proposed by Triad/DOE.

20.6.4.12(G) NMAC - Compliance Schedules

128. The Department proposed to reorganize the first sentence of 20.6.4.12(G) NMAC in order to clarify the meaning of the sentence and to reflect current practice. The existing wording implies that the Commission has a policy to allow compliance schedules in NPDES permits, which is not the case. NMED Exhibit 1, p. 14; NMED Exhibit 106, p. 19; Tr. Vol. 3, 715:11-716:7.

129. No party objected to this proposed amendment, and Triad/DOE specifically noted its lack of opposition in filed written testimony. LANL Exhibit 7, p. 4 (2020 TR-LANL-00188); Tr. Vol. 3, 716:7.

130. Based on the weight of the evidence, the Commission adopts the Department's amendments to 20.6.4.12(G) NMAC as proposed.

20.6.4.13(F) NMAC - Toxic Pollutants

131. The Department proposed the addition of "contaminants of emerging concern" and the toxic pollutants listed in 20.6.2.7 NMAC to the general criteria for toxic pollutants in 20.6.4.13(F) NMAC, in order to clarify the scope of the general criteria to better uphold the goals and objectives of the federal Clean Water Act. NMED Exhibit 2, pp. 3-4; NMED Exhibit 107, pp. 11-16; NMED Exhibit 110; NMED Exhibit 117; Tr. Vol. 2, 450:5-460:7.

132. Triad/DOE opposed the Department's proposed addition of "contaminants of emerging concern" and the toxic pollutants listed in 20.6.2.7 NMAC to the general criteria for toxic pollutants in 20.6.4.13(F) NMAC, and proposed additional amendments to 20.6.4.13(F) NMAC. LANL Exhibit 5, pp. 6-10 (2020 TR LANL-00145 - 00149); Tr. Vol. 2, 500:20-503:4.

133. The Department concurred with Triad/DOE's addition of the word "duration" to 20.6.4.13(F)(1) NMAC, but opposed all other proposed amendments by Triad/DOE. NMED Exhibit 107, pp. 13-14; NMED Exhibit 110.

134. SJWC opposed the Department's proposed amendments to 20.6.4.13(F) NMAC on the grounds that the language may expand the Department's regulatory scope. SJWC [Exhibit] 2, pp. 16-18 (2020 TR SJWC-0019 - 0021); Tr. Vol. 2, 581:19-584:8.

135. The Department denied that its proposed amendments to 20.6.4.13(F) NMAC expand regulatory scope in any way. Tr. Vol. 2, 454:18-455:5.

136. Buckman opposed the Department's proposed amendments to 20.6.4.13(F) NMAC on the grounds that the toxic pollutants listed in 20.6.2.7 NMAC are conflated with contaminants of emerging concern. BDD Exhibit 1; Tr. Vol. 2, 647:12-649:16.

137. The Department denied that its proposed amendments to 20.6.4.13(F) NMAC conflate the toxic pollutants listed in 20.6.2.7 NMAC with contaminants of emerging concern, as the Department did not propose to add contaminants of emerging concern to the definition of toxic pollutants. Tr. Vol. 2, 456:9-457:10.

138. CCW-GRIP argued that the Department's proposed reference to the list of toxic pollutants from 20.6.2.7 NMAC would be more appropriately placed in the definition of "toxic pollutant" in 20.6.4.7(T) NMAC. CCW-GRIP Exhibit 5; Tr. Vol. 2, 620:4-620:14.

139. The Department concluded that CCW-GRIP's proposal to refer to the list of toxic pollutants in 20.6.2.7 NMAC in 20.6.4.7(T) NMAC would have no regulatory difference to the Department's proposal. Tr. Vol. 2, 457:14-457:25.

140. Based on the weight of the evidence, the Commission finds that the Department's proposal to amend the language in 20.4.6.13(F) NMAC by adding "contaminants of emerging concern" (which the Department agreed to rename "emerging contaminants" in NMED Exhibit 141) and the toxic pollutants listed in 20.6.2.7 NMAC is well-taken and agrees with the Department's amendments to 20.6.4.13(F) NMAC as proposed.

20.6.4.14(A) NMAC - Methods for Compliance

141. Triad/DOE proposed an amendment to 20.6.4.14(A) NMAC to limit sampling and analytical methods to only those methods specifically approved by EPA in 40 C.F.R. Part 136, which related to compliance determinations for federal permits and Clean Water Act Section 401 state certifications. LANL Exhibit 7, pp. 5-10; Tr. Vol.

142. The Department did not propose any amendments to 20.6.4.14 NMAC and opposes Triad/DOE's proposal to amend 20.6.4.14(A) NMAC, as EPA has other approved analytical

methods that are not contained in 40 C.F.R. Part 136. NMED Exhibit 106, pp. 7-8; Tr. Vol 3, 716:20-720:7.

143. Triad/DOE did not provide any evidence for consideration as to why 20.6.4.14(A) NMAC as currently written is problematic or overly burdensome. NMED Exhibit 106, p. 8; Tr. Vol. 3, 717:16-717:25.

144. There is no evidence in the record that Triad/DOE conducted any outreach activities or published any additional notice for this rulemaking proceeding to supplement that issued by NMED. Therefore, the public could not have reasonably anticipated the adoption of the amendments proposed by Triad/DOE to 20.6.4.14(A) NMAC for analytical methods.

145. Even if the public could have reasonably anticipated adoption of the amendments proposed by Triad/DOE to 20.6.4.14(A) NMAC, the proposed amendments are not sufficiently protective of human health as they limit methods the Department may use to evaluate criteria. NMED Exhibit 106, pp. 7-8; Tr. Vol. 3, 717:16-717:25.

146. Based on the reasoning above, the Commission declines to adopt the amendments to 20.6.4.14(A) NMAC as proposed by Triad/DOE.

20.6.4.14(F) NMAC - Monitoring

147. Amigos Bravos proposed a new Subsection F to 20.6.4.14 NMAC that would read, “The department may include sampling and monitoring of contaminants of emerging concern as a condition in a federal permit under Section 401 of the Clean Water Act.” AB Exhibit 1, p. 2; AB Exhibit 17, p. 2; Tr. Vol. 3, 843:10, 844:25.

148. The Department did not propose any amendments to 20.6.4.14 NMAC and noted that the Department already has authority to require sampling and monitoring of contaminants in permits,

but has no real objection to inclusion of Amigos Bravos' proposed language. NMED Exhibit 106, pp. 19-21; Tr. Vol. 3, 720:14-722:24.

149. Triad/DOE opposed Amigos Bravos' proposal to add 20.6.4.14(F) NMAC. LANL Exhibit 63, pp. 15-18.

150. Given the weight of the evidence, the Commission declines to adopt the amendment to 20.6.4.14(F) NMAC proposed by Amigos Bravos.

20.6.4.15 NMAC - Use Attainability Analysis (UAA)

151. The Department proposed to amend language in 20.6.4.15 NMAC to ensure that the state regulations, at a minimum, meet the federal regulations for amending a designated use to a use with less stringent criteria. The Department proposed several amendments with the goal of ensuring effective implementation of the UAA process. A related amendment to 20.6.4.97 NMAC was also proposed, amending the reference in that subsection to align with the proposed amendments to 20.6.4.15 NMAC. NMED Exhibit 4, pp. 12-17; NMED Exhibit 9; NMED Exhibit 109, pp. 25-27; NMED Exhibit 110; Tr. Vol. 3, 946:6-953:1.

152. SJWC initially had objections to these proposed amendments, but eventually withdrew them in response to the Department's rebuttal testimony. Tr. Vol. 3, 947:16-948:15.

153. NMMA submitted non-technical comment on the Department's proposed amendments, which were addressed by the Department. NMMA NOI, pp. 6-7; NMED Exhibit 109, pp. 25-27; Tr. Vol. 3, 949:18-951:12.

154. Triad/DOE objected to the Department's proposed amendments based on the use of the term "stringency" and the allegation that these amendments would provide the Department more discretion. LANL Exhibit 3, p. 32 (2020 TR LANL-00092); LANL Exhibit 6, pp. 10-12 (2020 TR

LANL-00175 - 00177); LANL Exhibit 59, pp. 20-21 (2020 TR LANL-01135 - 01136); LANL Exhibit 62, pp. 10-13 (TR LANL-01196-01199); Tr. Vol. 3, 1016:3-25; Tr. Vol 4, 1100:3-1113:6.

155. The Department provided substantial evidence in response to the objections of Triad/DOE. NMED Exhibit 109, pp. 25-27; NMED Exhibit 110; Tr. Vol. 3, 946:6-953:1.

156. Based on the weight of the evidence, the Commission finds the Department’s proposal to amend the language pertaining to reviewing and amending standards at 20.6.4.15 NMAC is well-taken and agrees with the Department’s amendments to 20.6.4.15 NMAC as proposed.

20.6.4.97 NMAC - Unclassified Ephemeral Waters

157. The Department proposed an amendment to 20.6.4.97(C)(1)(g) NMAC in order to correct the spelling of a word from “Canon” to “Cañon,” to be consistent with other spellings in this section that utilize the Spanish ñe. NMED Exhibit 110; Tr. Vol. 5, 1473:14-1474:3.

158. Although the Department did not present technical testimony on correcting this spelling error, no party opposed the proposed amendment. The Commission finds the Department’s proposal to amend the spelling to “Cañon” to be well-taken and adopts the Department’s amendments to 20.6.4.97(C)(1)(g) NMAC as proposed.

20.6.4.101-899 NMAC - Amendments to Selected Sections that Contain Secondary Contact Uses

159. The Department proposed to amend language in 20.6.4.103, 20.6.4.112, 20.6.4.116, 20.6.4.204, 20.6.4.206 and 20.6.4.207 NMAC, and add a new section, 20.6.4.231 NMAC, to remove nonperennial reaches of tributaries from the list of classified perennial sections. NMED Exhibit 3, pp. 5-14. NMED Exhibit 9; NMED Exhibit 56; Tr. Vol. 3, 918:14-936:7.

160. Triad/DOE objected to certain of the Department’s proposed amendments. LANL Exhibit 58, pp. 5-12 (2020 TR LANL-01083 - 01090). Tr. Vol. 4, 1080:9-1099:14.

161. SJWC objected to certain of the Department’s proposed amendments, although some of those objections were later withdrawn. SJWC [Exhibit] 3, pp. 10-32 (2020 TR SJWC-0201 - 0223); Tr. Vol. 4, 1201:12-1216:17.

162. Amigos Bravos objected to certain of the Department’s proposed amendments. AB Exhibit 11, pp. 12-20. Tr. Vol. 4, 1177:17-11:93:6.

163. The Department provided substantial evidence in response to the objections of other parties. NMED Exhibit 108, pp. 6-8; NMED Exhibit 110; Tr. Vol. 3, 918:14-936:7.

164. A letter from the U.S. Environmental Protection Agency regional water quality standards coordinator for Region 6, Russell Nelson, stated that the UAA prepared by the Department [NMED Exhibit 59] “appears to support the bureau's conclusion that current designated uses in the defined segments are not attainable and that the highest attainable uses recommended here are appropriate given the conditions in these individual waters.” NMED Exhibit 139; Tr. Vol. 3; 906:2-907:12.

165. Based on the weight of the evidence, the Commission finds the Department’s proposal to amend language in 20.6.4.103, 20.6.4.112, 20.6.4.116, 20.6.4.204, 20.6.4.206, and 20.6.4.207 NMAC, and to add a new section, 20.6.4.231 NMAC, to establish the highest attainable use as intermittent waters pursuant to 20.6.4.98 NMAC is well-taken and agrees with the Department’s amendments to these sections as proposed.

20.6.4.101-899 NMAC - Amendments to Selected Sections of non-perennial reaches

166. The Department proposed to amend language in 20.6.4.108, 20.6.4.115, 20.6.4.206, 20.6.4.208, 20.6.4.209, 20.6.4.215, 20.6.4.220, 20.6.4.307 and 20.6.4.309 NMAC to remove nonperennial reaches of tributaries from the list of classified perennial sections. NMED Exhibit 3, pp. 14-23. NMED Exhibit 9; NMED Exhibit 59; Tr. Vol. 3, 904:23-916:6.

167. Triad/DOE objected to certain of the Department's proposed amendments. LANL Exhibit 58, pp. 5-12 (2020 TR LANL-01083 - 01090). Tr. Vol. 4, 1080:9-1099:14.

168. SJWC objected to certain of the Department's proposed amendments, although some of those objections were later withdrawn. SJWC [Exhibit] 3, pp. 10-32 (2020 TR SJWC-0201 - 0223); Tr. Vol. 4, 1201:12-1216:17.

169. Amigos Bravos objected to certain of the Department's proposed amendments, citing (among other reasons) the age of the data used by NMED in its UAA (NMED Exhibit 59). AB Exhibit 11, pp. 12-20. Tr. Vol. 4, 1177:17-11:93:6.

170. On cross-examination, the witness for Amigos Bravos expressed a lack of familiarity with the National Hydrography Dataset, the source of the data used by NMED in its UAA (NMED Exhibit 59). Tr. Vol. 4, 1188:5-17.

171. The Department provided substantial evidence in response to the objections of other parties. NMED Exhibit 108, pp. 6-8; NMED Exhibit 110; Tr. Vol. 3, 904:23-916:6.

172. Based on the weight of the evidence, the Commission finds the Department's proposal to amend language in 20.6.4.103, 20.6.4.108, 20.6.4.112, 20.6.4.115, 20.6.4.116, 20.6.4.204, 20.6.4.206, 20.6.4.207, 20.6.4.208, 20.6.4.209, 20.6.4.215, 20.6.4.220, 20.6.4.307 and 20.6.4.309 NMAC to remove nonperennial reaches of tributaries from the list of classified perennial sections and establish the highest attainable use as intermittent waters pursuant to 20.6.4.98 NMAC is well-taken and agrees with the Department's amendments to these sections as proposed.

20.6.4.105 NMAC and 20.6.4.106 NMAC - Classified Waters Rio Grande Basin

173. The Department proposes to add language to 20.6.4.105 NMAC and 20.6.4.106 NMAC to clarify that effluent requirements referenced in 20.6.2.2102 NMAC apply if the conditions in 20.6.2.2100 NMAC are met. The purpose of this proposed amendment is to provide clarification

that the criteria in 20.6.2.2102 NMAC may apply to certain discharges in the Rio Grande Basin, but does not change the meaning of these sections. NMED Exhibit 1, p. 15; NMED Exhibit 106, p. 21; NMED Exhibit 110; Tr. Vol. 3, 726:11.

174. SJWC opposed the Department's proposed amendment on the grounds that the scope of applicability is very limited and that there is no definition of "community sewerage system" in 20.6.2 NMAC or 20.6.4 NMAC. SJWC [Exhibit] 2, p. 20; Tr. Vol. 3, 883:8-890:5.

175. Based on the weight of the evidence, the Commission finds the Department's proposal to amend 20.6.4.105 NMAC and 20.6.4.106 NMAC well-taken and adopts the Department's proposed amendments.

20.6.4.126, 128, and 140 NMAC - Perennial, Ephemeral and Intermittent, and Specified Intermittent Waters Within Los Alamos National Laboratory (LANL)

176. The Department proposed to create a new Section, 20.6.4.140 NMAC, breaking out certain intermittent waters within LANL from 20.6.4.128 NMAC, and amending 20.6.4.128 NMAC accordingly. NMED Exhibit 4, pp. 25-48; NMED Exhibit 64; NMED Exhibit 109, pp. 37-78; NMED Exhibit 110; Tr. Vol. 4, 1283:12-1320:15.

177. Amigos Bravos expressed support for the reclassification of certain intermittent waters within LANL from 20.6.4.128 NMAC to 20.6.4.140 NMAC. AB Exhibit 3, p. 15; Tr. Vol. 5, 1437:22-1443:20.

178. Triad/DOE opposed certain of the Departments proposed amendments, primarily asserting that perennial portions of waters previously classified in 20.6.4.128 NMAC should be placed in 20.6.4.126 NMAC. LANL Exhibit 2, pp. 6-37 (2020 TR LANL-00028 - 00057); LANL Exhibit 3, pp. 7-31 (2020 TR LANL-00066 - 00090); LANL Exhibit 4, pp. 6-36 (2020 TR LANL-00109 - 00137); LANL Exhibit 57, pp. 17-18 (2020 TR LANL-01075 - 01076); LANL Exhibit 58, pp. 12-23 (2020 TR LANL-01090 - 01101); LANL Exhibit 59 (2020 TR LANL-01116 -

01151); LANL Exhibit 60 (2020 TR LANL-01152 - 01171); Tr. Vol. 4, 1321:8-1394:20, 1404:15-1414:21.

179. The Department provided substantial evidence in response to the objections of Triad/DOE. NMED Exhibit 109, pp. 37-78; NMED Exhibit 110; Tr. Vol. 4, 1283:12-1320:15.

180. Based on the weight of the evidence, the Commission finds the Department's proposal to create new Section 20.6.4.140 NMAC and amend 20.6.4.128 NMAC accordingly is well-taken and adopts the Department's amendments to these sections as proposed.

20.6.4.311 NMAC and 20.6.4.312 NMAC - Classified Waters Canadian River Basin

181. The Department proposes to add the words "Canadian River Basin" to the headers in 20.6.4.311 NMAC and 20.6.4.312 NMAC, as these words are missing in the current regulation and will provide consistency with other 20.6.4.301 NMAC through 20.6.4.318 NMAC. Tr. Vol. 5, 1471:11-1472:2.

182. Although the Department did not present technical testimony on this, no party opposed the proposed amendment. The Commission finds the Department's proposal to add the words "Canadian River Basin" to be well-taken and adopts the Department's amendments to 20.6.4.311 and 20.6.4.312 NMAC as proposed.

20.6.4.405 NMAC and 20.6.4.408 NMAC - Classified Waters San Juan Basin

183. The Department proposed amendments to 20.6.4.405 NMAC and 20.6.4.408 NMAC in order to correct the spelling of a word from "Canyon" to "Cañon," to be consistent with other referenceable sources, such as topographic maps. NMED Exhibit 110; Tr. Vol. 5, 1473:6-1474:3.

184. Although the Department did not present technical testimony on correcting this spelling error, no party opposed the proposed amendments. The Commission finds the Department's

proposal to amend the spelling to “Cañon” to be well-taken and adopts the Department’s amendments to 20.6.4.405 NMAC and 20.6.4.408 NMAC as proposed.

20.6.4.808 NMAC - Classified Waters Closed Basins (Chino)

185. The Department proposed an amendment to 20.6.4.808 NMAC to remove a period that inexplicably appeared in the middle of a sentence. NMED Exhibit 2, p. 17; NMED Exhibit 110; Tr. Vol. 5, 1472:11-1472:24.

186. No party opposed this proposed amendment. The Commission finds the Department’s proposal to remove the period in the middle of the sentence well-taken and adopts the Department’s amendment to 20.6.4.808 NMAC.

20.6.4.900(D) NMAC - Criteria - Primary Contact

187. The Department proposed to amend 20.6.4.900(D) NMAC in order to add criteria for waters with a primary contact designated use, specifically to adopt EPA’s 2019 numeric criteria for toxins associated with harmful algal blooms. NMED Exhibit 2, p. 6; NMED Exhibit 110; Tr. Vol. 4, 1232:18-1233:7.

188. SJWC argued that the Commission should not adopt the Department’s proposal unless the proposed amendment contained additional clarification. SJWC later withdrew its objection. SJWC [Exhibit] 2, p. 25 (2020 TR SJWC-0028); Tr. Vol. 1233:16.

189. The Commission finds the Department’s proposal to amend 20.6.4.900(D) NMAC to be well-taken, and adopts the Department’s proposed amendments.

20.6.4.900(I) NMAC - Criteria - Hardness-Based Metals

190. In response to testimony from SJWC, the Department proposed to remove the word “dissolved” before the word “hardness” in 20.6.4.900(I) NMAC. NMED Exhibit 109, pp. 78-81; NMED Exhibit 110; Tr. Vol. 5, 1482:2-18.

191. No party objected to these changes. Based on the weight of the evidence, the Commission finds the Department’s proposal to remove the word “dissolved” before the word “hardness” in 20.6.4.900(I) NMAC is well-taken and agrees with the Department’s amendments to 20.6.4.900(I) NMAC as proposed.

20.6.4.900(I)(1)-(2) NMAC - Criteria - Aluminum

192. The Department proposed to amend the criteria for aluminum in the tables at 20.6.4.900(I)(1) and (2) NMAC. NMED Exhibit 4, pp. 19-22; NMED Exhibit 109, pp. 78-81; NMED Exhibit 110; Tr. Vol. 4, 1220:12-1224:7.

193. Triad/DOE objected to these proposed amendments. LANL Exhibit 8 (2020 TR LANL-00205); LANL Exhibit 64, pp. 1-8 (2020 TR LANL-01226 - 01234); Tr. Vol. 3, 688:18-698:9.

194. The Department provided substantial evidence in response to the objections of Triad/DOE. NMED Exhibit 109, pp. 78-81; NMED Exhibit 110; Tr. Vol. 4, 1220:12-1224:7.

195. Based on the weight of the evidence, the Commission finds the Department’s proposal to amend the criteria for aluminum in the tables at 20.6.4.900(I)(1) and (2) NMAC is well-taken and agrees with the Department’s amendments to 20.6.4.900(I) (1) and (2) NMAC as proposed.

20.6.4.900(I)(1)-(2) NMAC - Criteria - Cadmium

196. The Department proposed the adoption of acute and chronic hardness-based cadmium criteria in the tables in 20.6.4.900(I)(1) and (2) NMAC based on EPA’s current recommended criteria. NMED Exhibit 4, pp. 22-24; NMED Exhibit 110; Tr. Vol. 4, 1219:11-1220:6.

197. No party objected to these changes. Based on the weight of the evidence, the Commission finds the Department’s proposal to amend acute and chronic hardness-based cadmium criteria in the tables in 20.6.4.900(I)(1) and (2) NMAC based on EPA’s current recommended criteria is well-

taken and agrees with the Department's amendments to 20.6.4.900(I)(1) and (2) NMAC as proposed.

20.6.4.900(I)(1)-(2) NMAC - Criteria - Copper

198. The Department did not propose adopting EPA's recommended aquatic life criteria for copper as a replacement for the current hardness-based water quality standard in 20.6.4.900(I)(1)-(2) NMAC. NMED Exhibit 2, p.14; NMED

199. No parties opposed the Department's proposed delay in adopting EPA's recommended copper criteria, and Triad/DOE specifically noted its lack of opposition. LANL Exhibit 63, pp. 3-5 (2020 TR LANL-01207 - 01209).

200. As no party has proposed any amendments to 20.6.4.900(I) NMAC relating to replacing the current hardness-based water quality standard with EPA's criteria for copper, the Commission does not adopt amendments to 20.6.4.900(I)(1)- (2) NMAC on this topic.

20.6.4.900(I)(3) NMAC - Criteria - Hardness-Based Metals Table

201. The Department proposed to amend the values in the acute and chronic hardness-based metals criteria table located at 20.6.4.900(I)(3) NMAC consistent with the hardness-dependent equations for acute and chronic aquatic life criteria. NMED Exhibit 3, pp. 23-24; NMED Exhibit 110.

202. No party objected to these changes. Based on the weight of the evidence, the Commission finds the Department's proposal to amend the values in the acute and chronic hardness-based metals criteria table located at 20.6.4.900(I)(3) NMAC consistent with the hardness-dependent equations for acute and chronic aquatic life criteria is well-taken and agrees with the Department's amendments to 20.6.4.900(I)(3) NMAC as proposed.

20.6.4.900(J)(1) NMAC - Criteria - Acute and Chronic Aluminum

203. The Department proposed to add language regarding the pH range for hardness-based criteria for total recoverable aluminum and to remove language regarding EPA's disapproval of hardness-based aluminum criteria in 20.6.4.900(J)(1) and 20.6.4.900(J)(2) NMAC. NMED Exhibit 4, pp. 19-22; NMED Exhibit 109, pp. 78-81; NMED Exhibit 110; Tr. Vol. 4, 1220:12-1224:7.

204. Triad/DOE objected to these proposed amendments. LANL Exhibit 8 (2020 TR LANL-00205); LANL Exhibit 64, pp. 1-8 (2020 TR LANL-01226 - 01234); Tr. Vol. 3, 688:18-698:9.

205. The Department provided substantial evidence in response to the objections of Triad/DOE. NMED Exhibit 109, pp. 78-81; NMED Exhibit 110; Tr. Vol. 4, 1220:12-1224:7.

206. Based on the weight of the evidence, the Commission finds the Department's proposal to add language regarding the pH range for hardness-based criteria for total recoverable aluminum and to remove language regarding EPA's disapproval of hardness-based aluminum criteria in 20.6.4.900(J)(1) and (2) NMAC is well-taken and agrees with the Department's amendments to 20.6.4.900(J) (1) and (2) NMAC as proposed.

20.6.4.900(J)(1) NMAC - Criteria - 304(a)

207. The Department did not propose amendments to 20.6.4.900(J)(1) NMAC regarding criteria for copper, selenium, arsenic, and manganese, although EPA recommended updates to these criteria. The Department may propose these amendments in the future, and is working with testing laboratories to develop the capacity to analyze samples. NMED Exhibit 2, pp. 13-16; Tr. Vol. 4, 1239:8-1242:8.

208. No party objected to the Department's delay in adopting EPA's criteria. The Commission therefore does not adopt any amendments to 20.6.4.900(J)(1) NMAC relating to copper, selenium, arsenic, or manganese.

20.6.4.900(J)(2) NMAC - Criteria - Applicable Notes

209. The Department proposed to add a note at 20.6.4.900(J)(2)(i) NMAC pertaining to the numeric criteria table at 20.6.4.900(J)(1) NMAC to provide guidance as to when acute and chronic hardness-based aquatic life total recoverable aluminum criteria is applicable and when the acute and chronic numeric aquatic life dissolved aluminum criteria is applicable. NMED Exhibit 4, pp. 21-22; NMED Exhibit 110; Tr. Vol. 4, 1224:11-1225:21.

210. No party objected to these changes. Based on the weight of the evidence, the Commission finds the Department's proposal to add a note under the numeric criteria table at 20.6.4.900(J)(2) NMAC to provide guidance as to when acute and chronic hardness-based aquatic life total recoverable aluminum criteria is applicable and when the acute and chronic numeric aquatic life dissolved aluminum criteria is applicable is well-taken and agrees with the Department's amendments to 20.6.4.900(J)(2)(i) NMAC as proposed.

20.6.4.900(K)-(M) NMAC - Criteria - Ammonia

211. The Department proposed to update the aquatic life ammonia criteria in 20.6.4.900(K), (L) and (M) NMAC to be consistent with the federal aquatic life ambient water quality criteria for total ammonia, including acute and chronic aquatic life criteria for Total Ammonia Nitrogen ("TAN"). NMED Exhibit 3, pp. 24-25; NMED Exhibit 110.

212. No party objected to these changes. Based on the weight of the evidence, the Commission finds the Department's proposal to update the aquatic life ammonia criteria in 20.6.4.900(K), (L) and (M) NMAC to be consistent with the federal aquatic life ambient water quality criteria for total ammonia, including acute and chronic aquatic life criteria for Total Ammonia Nitrogen ("TAN") is well-taken and adopts the Department's amendments to 20.6.4.900(K), (L) and (M) NMAC as proposed.

20.6.4.901 NMAC - Publication References

213. The Department proposed to amend the publication references section at 20.6.4.901 NMAC to be consistent with the most current versions of these documents. Overall, some references needed updates, some were removed because they were no longer the correct reference and replaced with the correct references, and some were reworded for consistency within the reference section. These changes will facilitate appropriate implementation of the State’s water quality standards. NMED Exhibit 3, p. 5.

214. No party objected to these changes. Based on the weight of the evidence, the Commission finds the Department’s proposal to update the publication references section at 20.6.4.901 NMAC to be consistent with the most current versions of these documents is well-taken and adopts the Department’s amendments to 20.6.4.901 NMAC as proposed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with the WQCC Administrator and was served on the following via electronic mail on September 24, 2021:

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NMED EXHIBIT 141

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 6 WATER QUALITY
PART 4 STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS

20.6.4.1 ISSUING AGENCY: Water Quality Control commission.
[20.6.4.1 NMAC - Rp 20 NMAC 6.1.1001, 10/12/2000]

20.6.4.2 SCOPE: Except as otherwise provided by statute or regulation of the water quality control commission, this part governs all surface waters of the state of New Mexico, which are subject to the New Mexico Water Quality Act, Sections 74-6-1 through 74-6-17 NMSA 1978.
[20.6.4.2 NMAC - Rp 20 NMAC 6.1.1002, 10/12/2000; A, 5/23/2005]

20.6.4.3 STATUTORY AUTHORITY: This part is adopted by the water quality control commission pursuant to Subsection C of Section 74-6-4 NMSA 1978.
[20.6.4.3 NMAC - Rp 20 NMAC 6.1.1003, 10/12/2000]

20.6.4.4 DURATION: Permanent.
[20.6.4.4 NMAC - Rp 20 NMAC 6.1.1004, 10/12/2000]

20.6.4.5 EFFECTIVE DATE: October 12, 2000, unless a later date is indicated in the history note at the end of a section.
[20.6.4.5 NMAC - Rp 20 NMAC 6.1.1005, 10/12/2000]

20.6.4.6 OBJECTIVE:

A. The purpose of this part is to establish water quality standards that consist of the designated use or uses of surface waters of the state, the water quality criteria necessary to protect the use or uses and an antidegradation policy.

B. The state of New Mexico is required under the New Mexico Water Quality Act (Subsection C of Section 74-6-4 NMSA 1978) and the federal Clean Water Act, as amended (33 U.S.C. Section 1251 *et seq.*) to adopt water quality standards that protect the public health or welfare, enhance the quality of water and are consistent with and serve the purposes of the New Mexico Water Quality Act and the federal Clean Water Act. It is the objective of the federal Clean Water Act to restore and maintain the chemical, physical and biological integrity of the nation's waters, including those in New Mexico. This part is consistent with Section 101(a)(2) of the federal Clean Water Act, which declares that it is the national goal that wherever attainable, an interim goal of water quality that provides for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water be achieved by July 1, 1983. Agricultural, municipal, domestic and industrial water supply are other essential uses of New Mexico's surface water; however, water contaminants resulting from these activities will not be permitted to lower the quality of surface waters of the state below that required for protection and propagation of fish, shellfish and wildlife and recreation in and on the water, where practicable.

C. Pursuant to Subsection A of Section 74-6-12 NMSA 1978, this part does not grant to the water quality control commission or to any other entity the power to take away or modify property rights in water.

D. These surface water quality standards serve to respond to the inherent threats of climate change and provide resiliency for the continued protection and enhancement of water quality.

[20.6.4.6 NMAC - Rp 20 NMAC 6.1.1006, 10/12/2000; A, 5/23/2005: A, XX/XX/XXXX]

20.6.4.7 DEFINITIONS: Terms defined in the New Mexico Water Quality Act, but not defined in this part will have the meaning given in the Water Quality Act.

A. Terms beginning with numerals or the letter "A," and abbreviations for units.

(1) "4Q3" means the critical low flow as determined by the minimum average flow over four consecutive days that occurs with a frequency of once in three years.

[(4)](2) "4T3 temperature" means the temperature not to be exceeded for four or more consecutive hours in a 24-hour period on more than three consecutive days.

[(2)](3) "6T3 temperature" means the temperature not to be exceeded for six or more consecutive hours in a 24-hour period on more than three consecutive days.

[(3)](4) Abbreviations used to indicate units are defined as follows:

(a) “**cfu/100 mL**” means colony-forming units per 100 milliliters; the results for *E. coli* may be reported as either colony forming units (CFU) or the most probable number (MPN), depending on the analytical method used;

(b) “**cfs**” means cubic feet per second;

(c) “**µg/L**” means micrograms per liter, equivalent to parts per billion when the specific gravity of the solution equals 1.0;

(d) “**µS/cm**” means microsiemens per centimeter; one µS/cm is equal to one µmho/cm;

(e) “**mg/kg**” means milligrams per kilogram, equivalent to parts per million;

(f) “**mg/L**” means milligrams per liter, equivalent to parts per million when the specific gravity of the solution equals 1.0;

(g) “**MPN/100 mL**” means most probable number per 100 milliliters; the results for *E. coli* may be reported as either CFU or MPN, depending on the analytical method used;

(h) “**NTU**” means nephelometric turbidity unit;

(i) “**pCi/L**” means picocuries per liter;

(j) “**pH**” means the measure of the acidity or alkalinity and is expressed in standard units (su).

~~(4)~~(5) “**Acute toxicity**” means toxicity involving a stimulus severe enough to induce a response in 96 hours of exposure or less. Acute toxicity is not always measured in terms of lethality, but may include other toxic effects that occur within a short time period.

~~(5)~~(6) “**Adjusted gross alpha**” means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample, including radium-226, but excluding radon-222 and uranium. Also excluded are source, special nuclear and by-product material as defined by the Atomic Energy Act of 1954.

~~(6)~~(7) “**Aquatic life**” means any plant or animal life that uses surface water as primary habitat for at least a portion of its life cycle, but does not include avian or mammalian species.

~~(7)~~(8) “**Attainable Use**” means a use that is achievable by the imposition of effluent limits required under sections 301(b) and 306 of the federal Clean Water Act and implementation of cost-effective and reasonable best management practices for nonpoint source control. An attainable use may or may not have criteria as stringent as the criteria for the designated use.

B. Terms beginning with the letter “B”.

~~(1)~~ “**Baseflow**” refers to the sustained flow volume of a stream or river. In natural systems, baseflow is comprised from regional groundwater inflow and local shallow subsurface inflow that is temporarily stored in the watershed during snowmelt and rain events and slowly released to the stream or river over time. In effluent dominated systems, baseflow is comprised predominantly from effluent with limited subsurface contributions. Baseflow in both scenarios is critical for sustaining flow in streams and rivers over seasonal and longer timeframes.

~~(4)~~(2) “**Best management practices**” or “**BMPs**”:

(a) for national pollutant discharge elimination system (NPDES) permitting purposes means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of “waters of the United States;” BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage; or

(b) for nonpoint source pollution control purposes means methods, measures or practices selected by an agency to meet its nonpoint source control needs; BMPs include but are not limited to structural and nonstructural controls and operation and maintenance procedures; BMPs can be applied before, during and after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters; BMPs for nonpoint source pollution control purposes shall not be mandatory except as required by state or federal law.

~~(2)~~(3) “**Bioaccumulation**” refers to the uptake and retention of a substance by an organism from its surrounding medium and food.

~~(3)~~(4) “**Bioaccumulation factor**” is the ratio of a substance’s concentration in tissue versus its concentration in ambient water, in situations where the organism and the food chain are exposed.

~~(4)~~(5) “**Biomonitoring**” means the use of living organisms to test the suitability of effluents for discharge into receiving waters or to test the quality of surface waters of the state.

C. Terms beginning with the letter “C”.

(1) **“CAS number”** means an assigned number by chemical abstract service (CAS) to identify a substance. CAS numbers index information published in chemical abstracts by the American chemical society.

(2) **“Chronic toxicity”** means toxicity involving a stimulus that lingers or continues for a relatively long period relative to the life span of an organism. Chronic effects include, but are not limited to, lethality, growth impairment, behavioral modifications, disease and reduced reproduction.

(3) **“Classified water of the state”** means a surface water of the state, or reach of a surface water of the state, for which the commission has adopted a segment description and has designated a use or uses and applicable water quality criteria in 20.6.4.101 through 20.6.4.899 NMAC.

(4) **“Climate change”** refers to any significant change in the measures of climate lasting for an extended period of time, typically decades or longer, and includes major changes in temperature, precipitation, wind patterns or other weather-related effects. Climate change may be due to natural processes or human-caused changes of the atmosphere, or a combination of the two.

~~(4)~~(5) **“Closed basin”** is a basin where topography prevents the surface outflow of water and water escapes by evapotranspiration or percolation.

~~(5)~~(6) **“Coldwater”** in reference to an aquatic life use means a surface water of the state where the water temperature and other characteristics are suitable for the support or propagation or both of coldwater aquatic life.

~~(6)~~(7) **“Coolwater”** in reference to an aquatic life use means the water temperature and other characteristics are suitable for the support or propagation of aquatic life whose physiological tolerances are intermediate between and may overlap those of warm and coldwater aquatic life.

~~(7)~~(8) **“Commission”** means the New Mexico water quality control commission.

~~(8)~~(9) **“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.

D. Terms beginning with the letter “D”.

(1) **“DDT and derivatives”** means 4,4'-DDT (CAS number 50293), 4,4'-DDE (CAS number 72559) and 4,4'-DDD (CAS number 72548).

(2) **“Department”** means the New Mexico environment department.

(3) **“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.

(4) **“Dissolved”** refers to the fraction of a constituent of a water sample that passes through a 0.45-micrometer pore-size filter. The “dissolved” fraction is also termed “filterable residue.”

(5) **“Domestic water supply”** means a surface water of the state that could be used for drinking or culinary purposes after disinfection.

E. Terms beginning with the letter “E”.

(1) **“E. coli”** means the bacteria Escherichia coli.

(2) **“Effluent dominated”** refers to a water that has, over a 12-month average, more than three-quarters of its baseflow attributed to discharges from a permitted effluent discharge. Waters that are effluent dominated are of significant value by providing aquatic life and wildlife habitat.

(3) **“Emerging contaminants”** refer to water contaminants including, but not limited to, per- and polyfluoroalkyl substances, pharmaceuticals and personal care products that may cause significant ecological or human health effects at low concentrations. Emerging contaminants are generally chemical compounds recognized as having deleterious effects at environmental concentrations whose negative impacts have not been fully quantified and may not have regulatory numeric criteria.

~~(2)~~(4) **“Ephemeral”** when used to describe a surface water of the state means the water body contains water briefly only in direct response to precipitation; its bed is always above the water table of the adjacent region.

~~(3)~~(5) **“Existing use”** means a use actually attained in a surface water of the state on or after November 28, 1975, whether or not it is a designated use.

F. Terms beginning with the letter “F”.

(1) **“Fish culture”** means production of coldwater or warmwater fishes in a hatchery or rearing station.

(2) **“Fish early life stages”** means the egg and larval stages of development of fish ending when the fish has its full complement of fin rays and loses larval characteristics.

G. Terms beginning with the letter “G”. [RESERVED]

H. Terms beginning with the letter “H”.

(1) **“Hardness”** means the measure of dissolved calcium and magnesium salts in water expressed as dissolved calcium carbonate (CaCO₃) unless otherwise noted.

(2) **“Harmonic mean flow”** is the number of daily flow measurements divided by the sum of the reciprocals of the flows; that is, it is the reciprocal of the arithmetic mean of reciprocal daily flow measurements consistent with the equations in Paragraph (1) of Subsection B of 20.6.4.11 NMAC.

(4)(3) **“High quality coldwater”** in reference to an aquatic life use means a perennial surface water of the state in a minimally disturbed condition with considerable aesthetic value and superior coldwater aquatic life habitat. A surface water of the state to be so categorized must have water quality, stream bed characteristics and other attributes of habitat sufficient to protect and maintain a propagating coldwater aquatic life population.

(2)(4) **“Human health-organism only”** means the health of humans who ingest fish or other aquatic organisms from waters that contain pollutants.

I. Terms beginning with the letter “I”.

(1) **“Industrial water supply”** means the use or storage of water by a facility for process operations unless the water is supplied by a public water system. Industrial water supply does not include irrigation or other agricultural uses.

(2) **“Intermittent”** when used to describe a surface water of the state means the water body contains water for extended periods only at certain times of the year, such as when it receives seasonal flow from springs or melting snow.

(3) **“Interstate waters”** means all surface waters of the state that cross or form a part of the border between states.

(4) **“Intrastate waters”** means all surface waters of the state that are not interstate waters.

(5) **“Irrigation”** means application of water to land areas to supply the water needs of beneficial plants.

(6) **“Irrigation storage”** means storage of water to supply the needs of beneficial plants.

J. Terms beginning with the letter “J”. [RESERVED]

K. Terms beginning with the letter “K”. [RESERVED]

L. Terms beginning with the letter “L”.

(1) **“LC-50”** means the concentration of a substance that is lethal to fifty percent of the test organisms within a defined time period. The length of the time period, which may vary from 24 hours to one week or more, depends on the test method selected to yield the information desired.

(2) **“Limited aquatic life”** as a designated use, means the surface water is capable of supporting only a limited community of aquatic life. This subcategory includes surface waters that support aquatic species selectively adapted to take advantage of naturally occurring rapid environmental changes, ~~[ephemeral or intermittent water.]~~low-flow, high turbidity, fluctuating temperature, low dissolved oxygen content or unique chemical characteristics.

(3) **“Livestock watering”** means the use of a surface water of the state as a supply of water for consumption by livestock.

M. Terms beginning with the letter “M”.

(1) **“Marginal coldwater”** in reference to an aquatic life use means that natural ~~[intermittent or low flows, or other natural]~~habitat conditions severely limit maintenance of a coldwater aquatic life population during at least some portion of the year or historical data indicate that the temperature ~~[is]~~ of the surface water of the state may exceed that which could continually support aquatic life adapted to coldwater[25°C (77°F)].

(2) **“Marginal warmwater”** in reference to an aquatic life use means natural intermittent or low flow or other natural habitat conditions severely limit the ability of the surface water of the state to sustain a natural aquatic life population on a continuous annual basis; or historical data indicate that natural water temperature routinely exceeds 32.2°C (90°F).

(3) **“Maximum temperature”** means the instantaneous temperature not to be exceeded at any time.

(4) **“Minimum quantification level”** means the minimum quantification level for a constituent determined by official published documents of the United States environmental protection agency.

N. Terms beginning with the letter “N”.

(1) **“Natural background”** means that portion of a pollutant load in a surface water resulting only from non-anthropogenic sources. Natural background does not include impacts resulting from historic or existing human activities.

(2) **“Natural causes”** means those causal agents that would affect water quality and the effect is not caused by human activity but is due to naturally occurring conditions.

(3) **“Nonpoint source”** means any source of pollutants not regulated as a point source that degrades the quality or adversely affects the biological, chemical or physical integrity of surface waters of the state.

O. Terms beginning with the letter “O”.

(1) **“Organoleptic”** means the capability to produce a detectable sensory stimulus such as odor or taste.

(2) **“Oversight agency”** means a state or federal agency, such as the United States department of agriculture forest service, that is responsible for land use or water quality management decisions affecting nonpoint source discharges where an outstanding national resource water is located.

P. Terms beginning with the letter “P”.

(1) **“Playa”** means a shallow closed basin lake typically found in the high plains and deserts.

(2) **“Perennial”** when used to describe a surface water of the state means the water body typically contains water throughout the year and rarely experiences dry periods.

(3) **“Persistent toxic pollutants”** means pollutants, generally organic, that are resistant to environmental degradation through chemical, biological and photolytic processes and can bioaccumulate in organisms, causing adverse impacts on human health and aquatic life.

(4) **“Point source”** means any discernible, confined and discrete conveyance from which pollutants are or may be discharged into a surface water of the state, but does not include return flows from irrigated agriculture.

(5) **“Practicable”** means that which may be done, practiced or accomplished; that which is performable, feasible, possible.

(6) **“Primary contact”** means any recreational or other water use in which there is prolonged and intimate human contact with the water, such as swimming and water skiing, involving considerable risk of ingesting water in quantities sufficient to pose a significant health hazard. Primary contact also means any use of surface waters of the state for cultural, religious or ceremonial purposes in which there is intimate human contact with the water, including but not limited to ingestion or immersion, that could pose a significant health hazard.

(7) **“Public water supply”** means the use or storage of water to supply a public water system as defined by New Mexico’s Drinking Water Regulations, 20.7.10 NMAC. Water provided by a public water system may need to undergo treatment to achieve drinking water quality.

Q. Terms beginning with the letter “Q”. [RESERVED]

R. Terms beginning with the letter “R”. [RESERVED]

S. Terms beginning with the letter “S”.

(1) **“Secondary contact”** means any recreational or other water use in which human contact with the water may occur and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing, wading, commercial and recreational boating and any limited seasonal contact.

(2) **“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.

(3) **“Specific conductance”** is a measure of the ability of a water solution to conduct an electrical current.

(4) **“State”** means the state of New Mexico.

(5) **“Surface water(s) of the state”**

(i) means all surface waters situated wholly or partly within or bordering upon the state, including the following:

(1) lakes[7];

(2) rivers[7];

(3) streams (including intermittent and ephemeral streams) [7];

(4) mudflats[7];

(5) sandflats[7];

(6) wetlands[7];

(7) sloughs[7];

(8) prairie potholes [7];

(9) wet meadows[7];

- (10) playa lakes[7];
- (11) reservoirs[7]; [or]and
- (12) natural ponds.

(ii) ~~[Surface waters of the state]~~also means all tributaries of such waters, including adjacent wetlands, any manmade bodies of water that were originally created in surface waters of the state or resulted in the impoundment of surface waters of the state, and any “waters of the United States” as defined under the Clean Water Act that are not included in the preceding description.

(iii) ~~[Surface waters of the state]~~does not include private waters that do not combine with other surface or subsurface water or any water under tribal regulatory jurisdiction pursuant to Section 518 of the Clean Water Act. Waste treatment systems, including treatment ponds or lagoons designed and actively used to meet requirements of the Clean Water Act (other than cooling ponds as defined in 40 CFR Part 423.11(m) that also meet the criteria of this definition), are not surface waters of the state, unless they were originally created in surface waters of the state or resulted in the impoundment of surface waters of the state.

T. Terms beginning with the letter “T”.

(1) **“TDS”** means total dissolved solids, also termed “total filterable residue.”

(2) **“Toxic pollutant”** means those pollutants, or combination of pollutants, including disease-causing agents, that after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, shortened life spans, disease, adverse behavioral changes, reproductive or physiological impairment or physical deformations in such organisms or their offspring.

(3) **“Tributary”** means a perennial, intermittent or ephemeral waterbody that flows into a larger waterbody, and includes a tributary of a tributary.

(4) **“Turbidity”** is an expression of the optical property in water that causes incident light to be scattered or absorbed rather than transmitted in straight lines.

U. Terms beginning with the letter “U”. [RESERVED]

(1) **“Unclassified waters of the state”** means those surface waters of the state not identified in 20.6.4.101 through 20.6.4.899 NMAC.

(2) **“Use attainability analysis”** means a scientific study conducted for the purpose of assessing the factors affecting the attainment of a use.

V. Terms beginning with the letter “V”. [RESERVED]

W. Terms beginning with the letter “W”.

(1) **“Warmwater”** with reference to an aquatic life use means that water temperature and other characteristics are suitable for the support or propagation or both of warmwater aquatic life.

(2) **“Water contaminant”** means any substance that could alter if discharged or spilled the physical, chemical, biological or radiological qualities of water. “Water contaminant” does not mean source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, but may include all other radioactive materials, including but not limited to radium and accelerator-produced isotopes.

(3) **“Water pollutant”** means a water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or to unreasonably interfere with the public welfare or the use of property.

(4) **“Wetlands”** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions in New Mexico. Wetlands that are constructed outside of a surface water of the state for the purpose of providing wastewater treatment and that do not impound a surface water of the state are not included in this definition.

(5) **“Wildlife habitat”** means a surface water of the state used by plants and animals not considered as pathogens, vectors for pathogens or intermediate hosts for pathogens for humans or domesticated livestock and plants.

X. Terms beginning with the letters “X” through “Z”. [RESERVED]

[20.6.4.7 NMAC - Rp 20 NMAC 6.1.1007, 10/12/2000; A, 7/19/2001; A, 5/23/2005; A, 7/17/2005; A, 8/1/2007; A, 12/1/2010; A, 1/14/2011; A, 3/2/2017; A, XX/XX/XXXX]

20.6.4.8 ANTIDegradation Policy and Implementation Plan:

A. Antidegradation Policy: This antidegradation policy applies to all surface waters of the state.

(1) Existing ~~instream water~~ uses, as defined in Paragraph (4) of Subsection E of 20.6.4.7 NMAC, and the level of water quality necessary to protect the existing uses shall be maintained and protected in all surface waters of the state.

(2) Where the quality of a surface water of the state exceeds levels necessary to support the propagation of fish, shellfish, and wildlife, and recreation in and on the water, that quality shall be maintained and protected unless the commission finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the state's continuing planning process, that allowing lower water quality is necessary to accommodate important economic and social development in the area in which the water is located. In allowing such degradation or lower water quality, the state shall assure water quality adequate to protect existing uses fully. Further, the state shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable BMPs for nonpoint source control. Additionally, the state shall encourage the use of watershed planning as a further means to protect surface waters of the state.

(3) No degradation shall be allowed in waters designated by the commission as outstanding national resource waters (ONRWs), except as provided in Subparagraphs (a) through (e) of this paragraph and in Paragraph (4) of this Subsection A.

(a) After providing a minimum 30-day public review and comment period, the commission determines that allowing temporary and short-term degradation of water quality is necessary to accommodate public health or safety activities in the area in which the ONRW is located. Examples of public health or safety activities include but are not limited to replacement or repair of a water or sewer pipeline or a roadway bridge. In making its decision, the commission shall consider whether the activity will interfere with activities implemented to restore or maintain the chemical, physical or biological integrity of the water. In approving the activity, the commission shall require that:

(i) the degradation shall be limited to the shortest possible time and shall not exceed six months;

(ii) the degradation shall be minimized and controlled by best management practices or in accordance with permit requirements as appropriate; all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized;

(iii) the degradation shall not result in water quality lower than necessary to protect any existing use in the ONRW; and

(iv) the degradation shall not alter the essential character or special use that makes the water an ~~ONRW~~ONRW.

(b) Prior to the commission making a determination, the department or appropriate oversight agency shall provide a written recommendation to the commission. If the commission approves the activity, the department or appropriate oversight agency shall oversee implementation of the activity.

(c) Where an emergency response action that may result in temporary and short-term degradation to an ONRW is necessary to mitigate an immediate threat to public health or safety, the emergency response action may proceed prior to providing notification required by Subparagraph (a) of this paragraph in accordance with the following:

(i) only actions that mitigate an immediate threat to public health or safety may be undertaken pursuant to this provision; non-emergency portions of the action shall comply with the requirements of Subparagraph (a) of this paragraph;

(ii) the discharger shall make best efforts to comply with requirements (i) through (iv) of Subparagraph (a) of this paragraph;

(iii) the discharger shall notify the department of the emergency response action in writing within seven days of initiation of the action;

(iv) within 30 days of initiation of the emergency response action, the discharger shall provide a summary of the action taken, including all actions taken to comply with requirements (i) through (iv) of Subparagraph (a) of this paragraph.

(d) Preexisting land-use activities, including grazing, allowed by federal or state law prior to designation as an ONRW, and controlled by best management practices (BMPs), shall be allowed to continue so long as there are no new or increased discharges resulting from the activity after designation of the ONRW.

(e) Acequia operation, maintenance, and repairs are not subject to new requirements because of ONRW designation. However, the use of BMPs to minimize or eliminate the introduction of pollutants into receiving waters is strongly encouraged.

(4) This antidegradation policy does not prohibit activities that may result in degradation in surface waters of the state when such activities will result in restoration or maintenance of the chemical, physical or biological integrity of the water.

(a) For ONRWs, the department or appropriate oversight agency shall review on a case-by-case basis discharges that may result in degradation from restoration or maintenance activities, and may approve such activities in accordance with the following:

- (i) the degradation shall be limited to the shortest possible time;
- (ii) the degradation shall be minimized and controlled by best management practices or in accordance with permit requirements as appropriate, and all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized;
- (iii) the degradation shall not result in water quality lower than necessary to protect any existing use of the surface water; and
- (iv) the degradation shall not alter the essential character or special use that makes the water an ~~ONRW~~ONRW.

(b) For surface waters of the state other than ONRWs, the department shall review on a case-by-case basis discharges that may result in degradation from restoration or maintenance activities, and may approve such activities in accordance with the following:

- (i) the degradation shall be limited to the shortest possible time;
- (ii) the degradation shall be minimized and controlled by best management practices or in accordance with permit requirements as appropriate, and all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized; and
- (iii) the degradation shall not result in water quality lower than necessary to protect any existing use of the surface water.

(5) In those cases where potential water quality impairment associated with a thermal discharge is involved, this antidegradation policy and implementing method shall be consistent with Section 316 of the federal Clean Water Act.

(6) In implementing this section, the commission through the appropriate regional offices of the United States environmental protection agency will keep the administrator advised and provided with such information concerning the surface waters of the state as he or she will need to discharge his or her responsibilities under the federal Clean Water Act.

B. Implementation Plan: The department, acting under authority delegated by the commission, implements the water quality standards, including the antidegradation policy, by describing specific methods and procedures in the continuing planning process and by establishing and maintaining controls on the discharge of pollutants to surface waters of the state. The steps summarized in the following paragraphs, which may not all be applicable in every water pollution control action, list the implementation activities of the department. These implementation activities are supplemented by detailed antidegradation review procedures developed under the state's continuing planning process. The department:

- (1) obtains information pertinent to the impact of the effluent on the receiving water and advises the prospective discharger of requirements for obtaining a permit to discharge;
- (2) reviews the adequacy of existing data and conducts a water quality survey of the receiving water in accordance with an annually reviewed, ranked priority list of surface waters of the state requiring total maximum daily loads pursuant to Section 303(d) of the federal Clean Water Act;
- (3) assesses the probable impact of the effluent on the receiving water relative to its attainable or designated uses and numeric and narrative criteria;
- (4) requires the highest and best degree of wastewater treatment practicable and commensurate with protecting and maintaining the designated uses and existing water quality of surface waters of the state;
- (5) develops water quality based effluent limitations and comments on technology based effluent limitations, as appropriate, for inclusion in any federal permit issued to a discharger pursuant to Section 402 of the federal Clean Water Act;
- (6) requires that these effluent limitations be included in any such permit as a condition for state certification pursuant to Section 401 of the federal Clean Water Act;
- (7) coordinates its water pollution control activities with other constituent agencies of the commission, and with local, state and federal agencies, as appropriate;
- (8) develops and pursues inspection and enforcement programs to ensure that dischargers comply with state regulations and standards, and complements EPA's enforcement of federal permits;

- (9) ensures that the provisions for public participation required by the New Mexico Water Quality Act and the federal Clean Water Act are followed;
- (10) provides continuing technical training for wastewater treatment facility operators through the utility operators training and certification programs;
- (11) provides funds to assist the construction of publicly owned wastewater treatment facilities through the wastewater construction program authorized by Section 601 of the federal Clean Water Act, and through funds appropriated by the New Mexico legislature;
- (12) conducts water quality surveillance of the surface waters of the state to assess the effectiveness of water pollution controls, determines whether water quality standards are being attained, and proposes amendments to improve water quality standards;
- (13) encourages, in conjunction with other state agencies, implementation of the best management practices set forth in the New Mexico statewide water quality management plan and the nonpoint source management program, such implementation shall not be mandatory except as provided by federal or state law;
- (14) evaluates the effectiveness of BMPs selected to prevent, reduce or abate sources of water pollutants;
- (15) develops procedures for assessing use attainment as required by 20.6.4.15 NMAC and establishing site-specific standards; and
- (16) develops list of surface waters of the state not attaining designated uses, pursuant to Sections 305(b) and 303(d) of the federal Clean Water Act. [20.6.4.8 NMAC - Rp 20 NMAC 6.1.1101, 10/12/2000; A, 5/23/2005; A, 8/1/2007; A, 1/14/2011; A, XX/XX/XXXX]

20.6.4.9 OUTSTANDING NATIONAL RESOURCE WATERS:

A. Procedures for nominating an ONRW: Any person may nominate a surface water of the state for designation as an ONRW by filing a petition with the commission pursuant to ~~[the guidelines for water quality control commission regulation hearings]~~ 20.1.6 NMAC, Rulemaking Procedures - Water Quality Control Commission. A petition to designate a surface water of the state as an ONRW shall include:

- (1) a map of the surface water of the state, including the location and proposed upstream and downstream boundaries;
- (2) a written statement and evidence based on scientific principles in support of the nomination, including specific reference to one or more of the applicable ONRW criteria listed in Subsection B of this section;
- (3) water quality data including chemical, physical or biological parameters, if available, to establish a baseline condition for the proposed ONRW;
- (4) a discussion of activities that might contribute to the reduction of water quality in the proposed ONRW;
- (5) any additional evidence to substantiate such a designation, including a discussion of the economic impact of the designation on the local and regional economy within the state of New Mexico and the benefit to the state; and
- (6) affidavit of publication of notice of the petition in a newspaper of general circulation in the affected counties and in a newspaper of general statewide circulation.

B. Criteria for ONRWs: A surface water of the state, or a portion of a surface water of the state, may be designated as an ONRW where the commission determines that the designation is beneficial to the state of New Mexico, and:

- (1) the water is a significant attribute of a state special trout water, national or state park, national or state monument, national or state wildlife refuge or designated wilderness area, or is part of a designated wild river under the federal Wild and Scenic Rivers Act; or
- (2) the water has exceptional recreational or ecological significance; or
- (3) the existing water quality is equal to or better than the numeric criteria for protection of aquatic life and contact uses and the human health-organism only criteria, and the water has not been significantly modified by human activities in a manner that substantially detracts from its value as a natural resource.

C. Pursuant to a petition filed under Subsection A of this section, the commission may classify a surface water of the state or a portion of a surface water of the state as an ONRW if the criteria set out in Subsection B of this section are met.

D. Waters classified as ONRWs: The following waters are classified as ONRWs:

(1) Rio Santa Barbara, including the west, middle and east forks from their headwaters downstream to the boundary of the Pecos Wilderness; and
(2) the waters within the United States forest service Valle Vidal special management unit including:

(a) Rio Costilla, including Comanche, La Cueva, Fernandez, Chuckwagon, Little Costilla, Powderhouse, Holman, Gold, Grassy, LaBelle and Vidal creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit;

(b) Middle Ponil creek, including the waters of Greenwood Canyon, from their headwaters downstream to the boundary of the Elliott S. Barker wildlife management area;

(c) Shuree lakes;

(d) North Ponil creek, including McCrystal and Seally Canyon creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit; and

(e) Leandro creek from its headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit.

(3) the named perennial surface waters of the state, identified in Subparagraph (a) below, located within United States department of agriculture forest service wilderness. Wilderness are those lands designated by the United States congress as wilderness pursuant to the Wilderness Act. Wilderness areas included in this designation are the Aldo Leopold wilderness, Apache Kid wilderness, Blue Range wilderness, Chama River Canyon wilderness, Cruces Basin wilderness, Dome wilderness, Gila wilderness, Latir Peak wilderness, Pecos wilderness, San Pedro Parks wilderness, Wheeler Peak wilderness, and White Mountain wilderness.

(a) The following waters are designated in the Rio Grande basin:

(i) in the Aldo Leopold wilderness: Byers Run, Circle Seven creek, Flower canyon, Holden Prong, Indian canyon, Las Animas creek, Mud Spring canyon, North Fork Palomas creek, North Seco creek, Pretty canyon, Sids Prong, South Animas canyon, Victorio Park canyon, Water canyon;

(ii) in the Apache Kid wilderness Indian creek and Smith canyon;

(iii) in the Chama River Canyon wilderness: Chavez canyon, Ojitos canyon, Rio Chama;

(iv) in the Cruces Basin wilderness: Beaver creek, Cruces creek, Diablo creek, Escondido creek, Lobo creek, Osha creek;

(v) in the Dome wilderness: Capulin creek, Medio creek, Sanchez canyon/creek;

(vi) in the Latir Peak wilderness: Bull creek, Bull Creek lake, Heart lake, Lagunitas Fork, Lake Fork creek, Rito del Medio, Rito Primero, West Latir creek;

(vii) in the Pecos wilderness: Agua Sarca, Hidden lake, Horseshoe lake (Alamitos), Jose Vigil lake, Nambe lake, Nat lake IV, No Fish lake, North Fork Rio Quemado, Rinconada, Rio Capulin, Rio de las Trampas (Trampas creek), Rio de Truchas, Rio Frijoles, Rio Medio, Rio Molino, Rio Nambe, Rio San Leonardo, Rito con Agua, Rito Gallina, Rito Jaroso, Rito Quemado, San Leonardo lake, Santa Fe lake, Santa Fe river, Serpent lake, South Fork Rio Quemado, Trampas lake (East), Trampas lake (West);

(viii) in the San Pedro Parks wilderness: Agua Sarca, Cañon Madera, Cave creek, Cecilia Canyon creek, Clear creek (North SPP), Clear creek (South SPP), Corralitos creek, Dove creek, Jose Miguel creek, La Jara creek, Oso creek, Rio Capulin, Rio de las Vacas, Rio Gallina, Rio Puerco de Chama, Rito Anastacio East, Rito Anastacio West, Rito de las Palomas, Rito de las Perchas, Rito de los Pinos, Rito de los Utes, Rito Leche, Rito Redondo, Rito Resumidero, San Gregorio lake;

(ix) in the Wheeler Peak wilderness: Black Copper canyon, East Fork Red river, Elk lake, Horseshoe lake, Lost lake, Sawmill creek, South Fork lake, South Fork Rio Hondo, Williams lake.

(b) The following waters are designated in the Pecos River basin:

(i) in the Pecos wilderness: Albright creek, Bear creek, Beatty creek, Beaver creek, Carpenter creek, Cascade canyon, Cave creek, El Porvenir creek, Hollinger creek, Holy Ghost creek, Horsethief creek, Jack's creek, Jarosa canyon/creek, Johnson lake, Lake Katherine, Lost Bear lake, Noisy brook, Panchuela creek, Pecos Baldy lake, Pecos river, Rio Mora, Rio Valdez, Rito Azul, Rito de los Chimayosos, Rito de los Esteros, Rito del Oso, Rito del Padre, Rito las Trampas, Rito Maestas, Rito Oscuro, Rito Perro, Rito Sebadilloso, South Fork Bear creek, South Fork Rito Azul, Spirit lake, Stewart lake, Truchas lake (North), Truchas lake (South), Winsor creek;

(ii) in the White Mountain wilderness: Argentina creek, Aspen creek, Bonito creek, Little Bonito creek, Mills canyon/creek, Rodamaker creek, South Fork Rio Bonito, Turkey

canyon/creek.

(c) The following waters are designated in the Gila River basin:

(i) in the Aldo Leopold wilderness: Aspen canyon, Black Canyon creek, Bonner canyon, Burnt canyon, Diamond creek, Falls canyon, Fisherman canyon, Running Water canyon, South Diamond creek;

(ii) in the Gila wilderness: Apache creek, Black Canyon creek, Brush canyon, Canyon creek, Chicken Coop canyon, Clear creek, Cooper canyon, Cow creek, Cub creek, Diamond creek, East Fork Gila river, Gila river, Gilita creek, Indian creek, Iron creek, Langstroth canyon, Lilley canyon, Little creek, Little Turkey creek, Lookout canyon, McKenna creek, Middle Fork Gila river, Miller Spring canyon, Mogollon creek, Panther canyon, Prior creek, Rain creek, Raw Meat creek, Rocky canyon, Sacaton creek, Sapillo creek, Sheep Corral canyon, Skeleton canyon, Squaw creek, Sycamore canyon, Trail canyon, Trail creek, Trout creek, Turkey creek, Turkey Feather creek, Turnbo canyon, West Fork Gila river, West Fork Mogollon creek, White creek, Willow creek, Woodrow canyon.

(d) The following waters are designated in the Canadian River basin: in the Pecos wilderness Daily creek, Johns canyon, Middle Fork Lake of Rio de la Casa, Middle Fork Rio de la Casa, North Fork Lake of Rio de la Casa, Rito de Gascon, Rito San Jose, Sapello river, South Fork Rio de la Casa, Sparks creek (Manuelitas creek).

(e) The following waters are designated in the San Francisco River basin:

(i) in the Blue Range wilderness: Pueblo creek;

(ii) in the Gila wilderness: Big Dry creek, Lipsey canyon, Little Dry creek, Little Whitewater creek, South Fork Whitewater creek, Spider creek, Spruce creek, Whitewater creek.

(f) The following waters are designated in the Mimbres Closed basin: in the Aldo Leopold wilderness Corral canyon, Mimbres river, North Fork Mimbres river, South Fork Mimbres river.

(g) The following waters are designated in the Tularosa Closed basin: in the White Mountain wilderness Indian creek, Nogal Arroyo, Three Rivers.

(h) The wetlands designated are identified on the *Maps and List of Wetlands Within United States Forest Service Wilderness Areas Designated as Outstanding National Resource Waters* published at the New Mexico state library and available on the department's website.

[20.6.4.9 NMAC - Rn, Subsections B, C and D of 20.6.4.8 NMAC, 5/23/2005; A, 5/23/2005; A, 7/17/2005; A, 2/16/2006; A, 12/1/2010; A, 1/14/2011; ~~A, XX/XX/XXXX~~]

20.6.4.10 REVIEW OF STANDARDS; NEED FOR ADDITIONAL STUDIES:

A. Section 303(c)(1) of the federal Clean Water Act requires that the state hold public hearings at least once every three years for the purpose of reviewing water quality standards and proposing, as appropriate, necessary revisions to water quality standards.

~~B.~~ In accordance with 40 CFR 131.10(i), when an existing use, as defined under 20.6.4.7 NMAC, is higher quality water than prescribed by the designated use and supporting evidence demonstrates the presence of that use, the designated use shall be amended accordingly to have criteria no less stringent than the existing use.

~~[B.]~~ C. It is recognized that, in some cases, numeric criteria ~~[have been adopted that reflect use designations rather than existing conditions of surface waters of the state.]~~for a particular designated use may not adequately reflect the local conditions or the aquatic communities adapted to those localized conditions. In these cases, a water quality criterion may be modified to reflect the natural condition of a specific waterbody. The modification of the criterion does not change the designated use; the modification only changes the criterion for that specific waterbody. ~~[Narrative criteria are required for many constituents because accurate data on background levels are lacking. More intensive water quality monitoring may identify surface waters of the state where existing quality is considerably better than the established criteria.]~~When justified by sufficient data and information, a numeric [the] water quality [criteria]criterion [with]may be adopted or modified in accordance with 20.6.4.10(F) and 20.6.4.10(G) NMAC, to protect the attainable uses of the waterbody.

~~D.~~ The removal or amendment of a designated use to a designated use with less stringent criteria can only be done through a use attainability analysis in accordance with 20.6.4.15 NMAC.

~~[C.]~~ E. It is also recognized that contributions of water contaminants by diffuse nonpoint sources of water pollution may make attainment of certain criteria difficult. Revision of these criteria may be necessary as new information is obtained on nonpoint sources and other problems unique to semi-arid regions.

~~[D.]~~ F. **Site-specific criteria.**

(1) The commission may adopt site-specific numeric criteria applicable to all or part of a surface water of the state based on relevant site-specific conditions such as:

- (a) actual species at a site are more or less sensitive than those used in the national criteria data set;
- (b) physical or chemical characteristics at a site such as pH or hardness alter the biological availability and/or toxicity of the chemical;
- (c) physical, biological or chemical factors alter the bioaccumulation potential of a chemical;
- (d) the concentration resulting from natural background exceeds numeric criteria for aquatic life, wildlife habitat or other uses if consistent with Subsection ~~E~~G of 20.6.4.10 NMAC; or
- (e) other factors or combination of factors that upon review of the commission may warrant modification of the default criteria, subject to EPA review and approval.

(2) Site-specific criteria must fully protect the designated use to which they apply. In the case of human health-organism only criteria, site-specific criteria must fully protect human health when organisms are consumed from waters containing pollutants.

(3) Any person may petition the commission to adopt site-specific criteria. A petition for the adoption of site-specific criteria shall:

- (a) identify the specific waters to which the site-specific criteria would apply;
- (b) explain the rationale for proposing the site-specific criteria;
- (c) describe the methods used to notify and solicit input from potential stakeholders and from the general public in the affected area, and present and respond to the public input received;
- (d) present and justify the derivation of the proposed criteria.

(4) A derivation of site-specific criteria shall rely on a scientifically defensible method, such as one of the following:

- (a) the recalculation procedure, the water-effect ratio for metals procedure or the resident species procedure as described in the water quality standards handbook (EPA-823-B-94-005a, 2nd edition, August 1994);
- (b) the streamlined water-effect ratio procedure for discharges of copper (EPA-822-R-01-005, March 2001);
- (c) the biotic ligand model as described in aquatic life ambient freshwater quality criteria - copper (EPA-822-R-07-001, February 2007);
- (d) the methodology for deriving ambient water quality criteria for the protection of human health (EPA-822-B-00-004, October 2000) and associated technical support documents; or
- (e) a determination of the natural background of the water body as described in Subsection ~~E~~G of 20.6.4.10 NMAC.

~~E~~G. **Site-specific criteria based on natural background.** The commission may adopt site-specific criteria equal to the concentration resulting from natural background where that concentration protects the designated use. The concentration resulting from natural background supports the level of aquatic life and wildlife habitat expected to occur naturally at the site absent any interference by humans. Domestic water supply, primary or secondary contact, or human health-organism only criteria shall not be modified based on natural background. A determination of natural background shall:

- (1) consider natural spatial and seasonal to interannual variability as appropriate;
- (2) document the presence of natural sources of the pollutant;
- (3) document the absence of human sources of the pollutant or quantify the human contribution; and
- (4) rely on analytical, statistical or modeling methodologies to quantify the natural background.

~~F~~H. **Temporary standards[?].**

(1) Any person may petition the commission to adopt a temporary standard applicable to all or part of a surface water of the state as provided for in this section and applicable sections in 40 CFR Part 131, Water Quality Standards; specifically, Section 131.14. The commission may adopt a proposed temporary standard if the petitioner demonstrates that:

- (a) attainment of the associated designated use may not be feasible in the short term due to one or more of the factors listed in 40 CFR 131.10(g), or due to the implementation of actions necessary to facilitate restoration such as through dam removal or other significant wetland or water body reconfiguration

activities as demonstrated by the petition and supporting work plan requirements in Paragraphs (4) and (5) of Subsection **[F]H** of 20.6.4.10 NMAC;

(b) the proposed temporary standard represents the highest degree of protection feasible in the short term, limits the degradation of water quality to the minimum necessary to achieve the original standard by the expiration date of the temporary standard, and adoption will not cause the further impairment or loss of an existing use;

(c) for point sources, existing or proposed discharge control technologies will comply with applicable technology-based limitations and feasible technological controls and other management alternatives, such as a pollution prevention program; and

(d) for restoration activities, nonpoint source or other control technologies shall limit downstream impacts, and if applicable, existing or proposed discharge control technologies shall be in place consistent with Subparagraph (c) of Paragraph (1) of Subsection **[F]H** of 20.6.4.10 NMAC.

(2) A temporary standard shall apply to specific designated use(s), pollutant(s), or permittee(s), and to specific water body segment(s). The adoption of a temporary standard does not exempt dischargers from complying with all other applicable water quality standards or control technologies.

(3) Designated use attainment as reported in the federal Clean Water Act, Section 305(b)/303(d) Integrated Report shall be based on the original standard and not on a temporary standard.

(4) A petition for a temporary standard shall:

(a) identify the currently applicable standard(s), the proposed temporary standard for the specific pollutant(s), the permittee(s), and the specific surface water body segment(s) of the state to which the temporary standard would apply;

(b) include the basis for any factor(s) specific to the applicability of the temporary standard (for example critical flow under Subsection B of 20.6.4.11 NMAC);

(c) demonstrate that the proposed temporary standard meets the requirements in this subsection;

(d) present a work plan with timetable of proposed actions for achieving compliance with the original standard in accordance with Paragraph (5) of Subsection **[F]H** of 20.6.4.10 NMAC;

(e) include any other information necessary to support the petition.

(5) As a condition of a petition for a temporary standard, in addition to meeting the requirements in this Subsection, the petitioner shall prepare a work plan in accordance with Paragraph (4) of Subsection **[F]H** of 20.6.4.10 NMAC and submit the work plan to the department for review and comment. The work plan shall identify the factor(s) listed in 40 CFR 131.10(g) or Subparagraph (a) of Paragraph (1) of Subsection **[F]H** of 20.6.4.10 NMAC affecting attainment of the standard that will be analyzed and the timeline for proposed actions to be taken to achieve the uses attainable over the term of the temporary standard, including baseline water quality, and any investigations, projects, facility modifications, monitoring, or other measures necessary to achieve compliance with the original standard. The work plan shall include provisions for review of progress in accordance with Paragraph (8) of Subsection **[F]H** of 20.6.4.10 NMAC, public notice and consultation with appropriate state, tribal, local and federal agencies.

(6) The commission may condition the approval of a temporary standard by requiring additional monitoring, relevant analyses, the completion of specified projects, submittal of information, or any other actions.

(7) Temporary standards may be implemented only after a public hearing before the commission, commission approval and adoption pursuant to Subsection **[F]H** of 20.6.4.10 NMAC for all state purposes, and the federal Clean Water Act Section 303 (c) approval for any federal action.

(8) All temporary standards are subject to a required review during each succeeding review of water quality standards conducted in accordance with Subsection A of 20.6.4.10 NMAC. The petitioner shall provide a written report to the commission documenting the progress of proposed actions, pursuant to a reporting schedule stipulated in the approved temporary standard. The purpose of the review is to determine progress consistent with the original conditions of the petition for the duration of the temporary standard. If the petitioner cannot demonstrate that sufficient progress has been made the commission may revoke approval of the temporary standard or provide additional conditions to the approval of the temporary standard.

(9) The commission may consider a petition to extend a temporary standard. The effective period of a temporary standard shall be extended only if demonstrated to the commission that the factors precluding attainment of the underlying standard still apply, that the petitioner is meeting the conditions required for approval of the temporary standard, and that reasonable progress towards meeting the underlying standard is being achieved.

(10) A temporary standard shall expire no later than the date specified in the approval of the temporary standard. Upon expiration of a temporary standard, the original standard becomes applicable.

(11) Temporary standards shall be identified in 20.6.4.97-899 NMAC as appropriate for the surface water affected.

(12) “Temporary standard” means a time-limited designated use and criterion for a specific pollutant(s) or water quality parameter(s) that reflect the highest attainable condition during the term of the temporary standard.

[20.6.4.10 NMAC - Rp 20 NMAC 6.1.1102, 10/12/2000; Rn, 20.6.4.9 NMAC, 5/23/2005; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; ~~A, XX/XX/XXXX~~]

20.6.4.11 APPLICABILITY OF WATER QUALITY STANDARDS:

A. [RESERVED]

B. **Critical low flow:** The critical low flow of a stream at a particular site shall be used in developing point source discharge permit requirements to meet numeric criteria set in 20.6.4.97 through 20.6.4.900 NMAC and Subsection F of 20.6.4.13 NMAC.

(1) For human health-organism only criteria, the critical low flow is the harmonic mean flow [~~“harmonic mean flow” is the number of daily flow measurements divided by the sum of the reciprocals of the flows; that is, it is the reciprocal of the mean of reciprocals~~]. For ephemeral waters the calculation shall be based upon the nonzero flow intervals and modified by including a factor to adjust for the proportion of intervals with zero flow. The equations are as follows:

$$\text{Harmonic Mean} = \frac{n}{\sum 1/Q}$$

where n = number of flow values
and Q = flow value

$$\text{Modified Harmonic Mean} = \left[\frac{\sum_{i=1}^{Nt-N_0} \frac{1}{Q_i}}{Nt - N_0} \right]^{-1} \times \left[\frac{Nt - N_0}{Nt} \right]$$

where Q_i = nonzero flow
 Nt = total number of flow values
and N_0 = number of zero flow values

(2) For all other narrative and numeric criteria, the critical low flow is the minimum average four consecutive day flow that occurs with a frequency of once in three years (4Q3). The critical low flow may be determined on an annual, a seasonal or a monthly basis, as appropriate, after due consideration of site-specific conditions.

C. **Guaranteed minimum flow:** The commission may allow the use of a contractually guaranteed minimum streamflow in lieu of a critical low flow determined under Subsection B of this section on a case-by-case basis and upon consultation with the interstate stream commission. Should drought, litigation or any other reason interrupt or interfere with minimum flows under a guaranteed minimum flow contract for a period of at least 30 consecutive days, such permission, at the sole discretion of the commission, may then be revoked. Any minimum flow specified under such revoked permission shall be superseded by a critical low flow determined under Subsection B of this section. A public notice of the request for a guaranteed minimum flow shall be published in a newspaper of general circulation by the department at least 30 days prior to scheduled action by the commission. These water quality standards do not grant to the commission or any other entity the power to create, take away or modify property rights in water.

D. **Mixing zones:** A limited mixing zone, contiguous to a point source wastewater discharge, may be allowed in any stream receiving such a discharge. Mixing zones serve as regions of initial dilution that allow the application of a dilution factor in calculations of effluent limitations. Effluent limitations shall be developed that will protect the most sensitive existing, designated or attainable use of the receiving water.

E. Mixing zone limitations: Wastewater mixing zones, in which the numeric criteria set under Subsection F of 20.6.4.13 NMAC, 20.6.4.97 through 20.6.4.899 NMAC or 20.6.4.900 NMAC may be exceeded, shall be subject to the following limitations:

(1) Mixing zones are not allowed for discharges to lakes, reservoirs, or playas; these effluents shall meet all applicable criteria set under Subsection F of 20.6.4.13 NMAC, 20.6.4.97 through 20.6.4.899 NMAC and 20.6.4.900 NMAC at the point of discharge.

(2) The acute aquatic life criteria, as set out in Subsection I, Subsection J, and Subsection K of 20.6.4.900 NMAC, shall be attained at the point of discharge for any discharge to a surface water of the state with a designated aquatic life use.

(3) The general criteria set out in Subsections A, B, C, D, E, G, H and J of 20.6.4.13 NMAC, and the provision set out in Subsection D of 20.6.4.14 NMAC are applicable within mixing zones.

(4) The areal extent and concentration isopleths of a particular mixing zone will depend on site-specific conditions including, but not limited to, wastewater flow, receiving water critical low flow, outfall design, channel characteristics and climatic conditions and, if needed, shall be determined on a case-by-case basis. When the physical boundaries or other characteristics of a particular mixing zone must be known, the methods presented in Section 4.4.5, "Ambient-induced mixing," in "Technical support document for water quality-based toxics control" (March 1991, EPA/505/2-90-001) shall be used.

(5) All applicable water quality criteria set under Subsection F of 20.6.4.13 NMAC, 20.6.4.97 through 20.6.4.899 NMAC and 20.6.4.900 NMAC shall be attained at the boundaries of mixing zones. A continuous zone of passage through or around the mixing zone shall be maintained in which the water quality meets all applicable criteria and allows the migration of aquatic life presently common in surface waters of the state with no effect on their populations.

F. Multiple uses: When a surface water of the state has more than a single designated use, the applicable numeric criteria shall be the most stringent of those established for such water.

G. Human health-organism only criteria in Subsection J of 20.6.4.900 NMAC apply to those waters with a designated, existing or attainable aquatic life use. When limited aquatic life is a designated use, the human health-organism only criteria apply only if adopted on a segment-specific basis. The human health-organism only criteria for persistent toxic pollutants, as identified in Subsection J of 20.6.4.900 NMAC, also apply to all tributaries of waters with a designated, existing or attainable aquatic life use.

H. Unclassified waters of the state: [~~Unclassified waters of the state are those surface waters of the state not identified in 20.6.4.101 through 20.6.4.899 NMAC.~~] An unclassified surface water of the state is presumed to support the uses specified in Section 101(a)(2) of the federal Clean Water Act. As such, it is subject to 20.6.4.98 NMAC if nonperennial or subject to 20.6.4.99 NMAC if perennial. The commission may include an ephemeral unclassified surface water of the state under 20.6.4.97 NMAC only if a use attainability analysis demonstrates pursuant to 20.6.4.15 NMAC that attainment of Section 101(a)(2) uses is not feasible.

I. Exceptions: Numeric criteria for temperature, dissolved solids, dissolved oxygen, sediment or turbidity adopted under the Water Quality Act do not apply when changes in temperature, dissolved solids, dissolved oxygen, sediment or turbidity in a surface water of the state are attributable to:

(1) natural causes (discharges from municipal separate storm sewers are not covered by this exception.); or

(2) the reasonable operation of irrigation and flood control facilities that are not subject to federal or state water pollution control permitting; major reconstruction of storage dams or diversion dams except for emergency actions necessary to protect health and safety of the public are not covered by this exception.

[20.6.4.11 NMAC - Rp 20 NMAC 6.1.1103, 10/12/2000; A, 10/11/2002; Rn, 20.6.4.10 NMAC, 5/23/2005; A, 5/23/2005; A, 12/1/2010; ~~A, XX/XX/XXXX~~]

20.6.4.12 COMPLIANCE WITH WATER QUALITY STANDARDS: The following provisions apply to determining compliance for enforcement purposes; they do not apply for purposes of determining attainment of uses. The department has developed assessment protocols for the purpose of determining attainment of uses that are available for review from the department's surface water quality bureau.

A. Compliance with acute water quality criteria shall be determined from the analytical results of a single grab sample. Acute criteria shall not be exceeded.

B. Compliance with chronic water quality criteria shall be determined from the arithmetic mean of the analytical results of samples collected using applicable protocols. Chronic criteria shall not be exceeded more than once every three years.

C. Compliance with water quality standards for total ammonia shall be determined by performing the biomonitoring procedures set out in Subsections D and E of 20.6.4.14 NMAC, or by attainment of applicable ammonia criteria set out in Subsections K, L and M of 20.6.4.900 NMAC.

D. Compliance with the human health-organism only criteria shall be determined from the analytical results of representative grab samples, as defined in the water quality management plan. Human health-organism only criteria shall not be exceeded.

E. The commission may establish a numeric water quality criterion at a concentration that is below the minimum quantification level. In such cases, the water quality standard is enforceable at the minimum quantification level.

F. For compliance with hardness-dependent numeric criteria, ~~hardness~~ (as mg CaCO₃/L) shall be determined from a sample taken at the same time that the sample for the contaminant is taken.

G. **Compliance schedules:** ~~It shall be the policy of the commission to allow on a case-by-case basis~~ ~~†~~The ~~commission may allow the~~ inclusion of a schedule of compliance in a NPDES permit issued to an existing facility ~~on a case-by-case basis~~. Such schedule of compliance will be for the purpose of providing a permittee with adequate time to make treatment facility modifications necessary to comply with water quality based permit limitations determined to be necessary to implement new or revised water quality standards or wasteload allocation. Compliance schedules may be included in NPDES permits at the time of permit renewal or modification and shall be written to require compliance at the earliest practicable time. Compliance schedules shall also specify milestone dates so as to measure progress towards final project completion (e.g., design completion, construction start, construction completion, date of compliance).

H. It is a policy of the commission to allow a temporary standard approved and adopted pursuant to Subsection ~~F~~H of 20.6.4.10 NMAC to be included in the applicable federal Clean Water Act permit as enforceable limits and conditions. The temporary standard and any schedule of actions may be included at the earliest practicable time, and shall specify milestone dates so as to measure progress towards meeting the original standard. [20.6.4.12 NMAC - Rp 20 NMAC 6.1.1104, 10/12/2000; A, 10/11/2002; Rn, 20.6.4.11 NMAC, 5/23/2005; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; ~~A, XX/XX/XXXX~~]

20.6.4.13 GENERAL CRITERIA: General criteria are established to sustain and protect existing or attainable uses of surface waters of the state. These general criteria apply to all surface waters of the state at all times, unless a specified criterion is provided elsewhere in this part. Surface waters of the state shall be free of any water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or unreasonably interfere with the public welfare or the use of property.

A. Bottom deposits and suspended or settleable solids:

(1) Surface waters of the state shall be free of water contaminants including fine sediment particles (less than two millimeters in diameter), precipitates or organic or inorganic solids from other than natural causes that have settled to form layers on or fill the interstices of the natural or dominant substrate in quantities that damage or impair the normal growth, function or reproduction of aquatic life or significantly alter the physical or chemical properties of the bottom.

(2) Suspended or settleable solids from other than natural causes shall not be present in surface waters of the state in quantities that damage or impair the normal growth, function or reproduction of aquatic life or adversely affect other designated uses.

B. Floating solids, oil and grease: Surface waters of the state shall be free of oils, scum, grease and other floating materials resulting from other than natural causes that would cause the formation of a visible sheen or visible deposits on the bottom or shoreline, or would damage or impair the normal growth, function or reproduction of human, animal, plant or aquatic life.

C. Color: Color-producing materials resulting from other than natural causes shall not create an aesthetically undesirable condition nor shall color impair the use of the water by desirable aquatic life presently common in surface waters of the state.

D. Organoleptic quality:

(1) **Flavor of fish:** Water contaminants from other than natural causes shall be limited to concentrations that will not impart unpalatable flavor to fish.

(2) **Odor and taste of water:** Water contaminants from other than natural causes shall be limited to concentrations that will not result in offensive odor or taste arising in a surface water of the state or otherwise interfere with the reasonable use of the water.

E. Plant nutrients: Plant nutrients from other than natural causes shall not be present in concentrations that will produce undesirable aquatic life or result in a dominance of nuisance species in surface waters of the state.

F. Toxic pollutants:

(1) Except as provided in 20.6.4.16 NMAC, surface waters of the state shall be free of toxic pollutants, including but not limited to emerging contaminants and those toxic pollutants listed in 20.6.2 NMAC, from other than natural causes in amounts, duration, concentrations or combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or that will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish and other aquatic organisms to levels that will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers of aquatic organisms.

(2) Pursuant to this section, the human health-organism only criteria shall be as set out in 20.6.4.900 NMAC. When a human health-organism only criterion is not listed in 20.6.4.900 NMAC, the following provisions shall be applied in accordance with 20.6.4.11, 20.6.4.12 and 20.6.4.14 NMAC.

(a) The human health-organism only criterion shall be the recommended human health criterion for “consumption of organisms only” published by the U.S. environmental protection agency pursuant to Section 304(a) of the federal Clean Water Act. In determining such criterion for a cancer-causing toxic pollutant, a cancer risk of 10^{-5} (one cancer per 100,000 exposed persons) shall be used.

(b) When a numeric criterion for the protection of human health for the consumption of organism only has not been published by the U.S. environmental protection agency, a quantifiable criterion may be derived from data available in the U.S. environmental protection agency's Integrated Risk Information System (IRIS) using the appropriate formula specified in *Methodology For Deriving Ambient Water Quality Criteria For The Protection Of Human Health (2000)*, EPA-822-B-00-004.

(3) Pursuant to this section, the chronic aquatic life criteria shall be as set out in 20.6.4.900 NMAC. When a chronic aquatic life criterion is not listed in 20.6.4.900 NMAC, the following provisions shall be applied in sequential order in accordance with 20.6.4.11, 20.6.4.12 and 20.6.4.14 NMAC.

(a) The chronic aquatic life criterion shall be the “freshwater criterion continuous concentration” published by the U.S. environmental protection agency pursuant to Section 304(a) of the federal Clean Water Act;

(b) If the U.S. environmental protection agency has not published a chronic aquatic life criterion, a geometric mean LC-50 value shall be calculated for the particular species, genus or group that is representative of the form of life to be preserved, using the results of toxicological studies published in scientific journals.

(i) The chronic aquatic life criterion for a toxic pollutant that does not bioaccumulate shall be ten percent of the calculated geometric mean LC-50 value; and

(ii) The chronic aquatic life criterion for a toxic pollutant that does bioaccumulate shall be: the calculated geometric mean LC-50 adjusted by a bioaccumulation factor for the particular species, genus or group representative of the form of life to be preserved, but when such bioaccumulation factor has not been published, the criterion shall be one percent of the calculated geometric mean LC-50 value.

(4) Pursuant to this section, the acute aquatic life criteria shall be as set out in 20.6.4.900 NMAC. When an acute aquatic life criterion is not listed in 20.6.4.900 NMAC, the acute aquatic life criterion shall be the “freshwater criterion maximum concentration” published by the U.S. environmental protection agency pursuant to Section 304(a) of the federal Clean Water Act.

(5) Within 90 days of the issuance of a final NPDES permit containing a numeric criterion selected or calculated pursuant to Paragraph (2), Paragraph (3) or Paragraph (4) of Subsection F of this section, the department shall petition the commission to adopt such criterion into these standards.

G. Radioactivity: The radioactivity of surface waters of the state shall be maintained at the lowest practical level and shall in no case exceed the criteria set forth in the New Mexico Radiation Protection Regulations, 20.3.1 and 20.3.4 NMAC.

H. Pathogens: Surface waters of the state shall be free of pathogens from other than natural causes in sufficient quantity to impair public health or the designated, existing or attainable uses of a surface water of the state.

I. Temperature: Maximum temperatures for surface waters of the state have been specified in 20.6.4.97 through 20.6.4.900 NMAC. However, the introduction of heat by other than natural causes shall not increase the temperature, as measured from above the point of introduction, by more than 2.7°C (5°F) in a stream, or

more than 1.7°C (3°F) in a lake or reservoir. In no case will the introduction of heat be permitted when the maximum temperature specified for the reach would thereby be exceeded. These temperature criteria shall not apply to impoundments constructed offstream for the purpose of heat disposal. High water temperatures caused by unusually high ambient air temperatures are not violations of these criteria.

J. Turbidity: Turbidity attributable to other than natural causes shall not reduce light transmission to the point that the normal growth, function or reproduction of aquatic life is impaired or that will cause substantial visible contrast with the natural appearance of the water. Activities or discharges shall not cause turbidity to increase more than 10 NTU over background turbidity when the background turbidity, measured at a point immediately upstream of the activity, is 50 NTU or less, nor to increase more than twenty percent when the background turbidity is more than 50 NTU. However, limited-duration turbidity increases caused by dredging, construction or other similar activities may be allowed provided all practicable turbidity control techniques have been applied and all appropriate permits, certifications and approvals have been obtained.

K. Total dissolved solids (TDS): TDS attributable to other than natural causes shall not damage or impair the normal growth, function or reproduction of animal, plant or aquatic life. TDS shall be measured by either the "calculation method" (sum of constituents) or the filterable residue method. Approved test procedures for these determinations are set forth in 20.6.4.14 NMAC.

L. Dissolved gases: Surface waters of the state shall be free of nitrogen and other dissolved gases at levels above one hundred ten percent saturation when this supersaturation is attributable to municipal, industrial or other discharges.

M. Biological integrity: Surface waters of the state shall support and maintain a balanced and integrated community of aquatic organisms with species composition, diversity and functional organization comparable to those of natural or minimally impacted water bodies of a similar type and region.
[20.6.4.13 NMAC - Rp 20 NMAC 6.1.1105, 10/12/2000; A, 10/11/2002; Rn, 20.6.4.12 NMAC, 5/23/2005; A, 5/23/2005; A, 12/1/2010; A, XX/XX/XXXX]

20.6.4.14 SAMPLING AND ANALYSIS:

A. Sampling and analytical techniques shall conform with methods described in the following references unless otherwise specified by the commission pursuant to a petition to amend these standards:

(1) "*Guidelines Establishing Test Procedures For The Analysis Of Pollutants Under The Clean Water Act,*" 40 CFR Part 136 or any test procedure approved or accepted by EPA using procedures provided in 40 CFR Parts 136.3(d), 136.4, and 136.5;

(2) *Standard Methods For The Examination Of Water And Wastewater*, latest edition, American public health association;

(3) *Methods For Chemical Analysis Of Water And Waste*, and other methods published by EPA office of research and development or office of water;

(4) *Techniques Of Water Resource Investigations Of The U.S. Geological Survey*;

(5) *Annual Book Of ASTM Standards*: volumes 11.01 and 11.02, water (I) and (II), latest edition, ASTM international;

(6) *Federal Register*, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations;

(7) *National Handbook Of Recommended Methods For Water-Data Acquisition*, latest edition, prepared cooperatively by agencies of the United States government under the sponsorship of the U.S. geological survey; or

(8) *Federal Register*, latest methods published for monitoring pursuant to the Safe Drinking Water Act regulations.

B. Bacteriological Surveys: The monthly geometric mean shall be used in assessing attainment of criteria when a minimum of five samples is collected in a 30-day period.

C. Sampling Procedures:

(1) Streams: Stream monitoring stations below discharges shall be located a sufficient distance downstream to ensure adequate vertical and lateral mixing.

(2) Lakes: Sampling stations in lakes shall be located at least 250 feet from a discharge.

(3) Lakes: Except for the restriction specified in Paragraph (2) of this subsection, lake sampling stations shall be located at any site where the attainment of a water quality criterion is to be assessed. Water quality measurements taken at intervals in the entire water column at a sampling station shall be averaged for the epilimnion, or in the absence of an epilimnion, for the upper one-third of the water column of the lake to determine attainment of criteria, except that attainment of criteria for toxic pollutants shall be assessed during

periods of complete vertical mixing, e.g., during spring or fall turnover, or by taking depth-integrated composite samples of the water column.

D. Acute toxicity of effluent to aquatic life shall be determined using the procedures specified in U.S. environmental protection agency “*Methods For Measuring The Acute Toxicity Of Effluents And Receiving Waters To Freshwater And Marine Organisms*” (5th Ed., 2002, EPA 821-R-02-012), or latest edition thereof if adopted by EPA at 40 CFR Part 136, which is incorporated herein by reference. Acute toxicities of substances shall be determined using at least two species tested in whole effluent and a series of effluent dilutions. Acute toxicity due to discharges shall not occur within the wastewater mixing zone in any surface water of the state with an existing or designated aquatic life use.

E. Chronic toxicity of effluent or ambient surface waters of the state to aquatic life shall be determined using the procedures specified in U.S. environmental protection agency “*Short-Term Methods For Estimating The Chronic Toxicity Of Effluents And Receiving Waters To Freshwater Organisms*” (4th Ed., 2002, EPA 821-R-02-013), or latest edition thereof if adopted by EPA at 40 CFR Part 136, which is incorporated herein by reference. Chronic toxicities of substances shall be determined using at least two species tested in ambient surface water or whole effluent and a series of effluent dilutions. Chronic toxicity due to discharges shall not occur at the critical low flow, or any flow greater than the critical low flow, in any surface water of the state with an existing or designated aquatic life use more than once every three years.

[20.6.4.14 NMAC - Rp 20 NMAC 6.1.1106, 10/12/2000; Rn, 20.6.4.13 NMAC, 5/23/2005 & A, 5/23/2005; A, 12/1/2010]

20.6.4.15 USE ATTAINABILITY ANALYSIS:

A. **Regulatory requirements for a use attainability analysis.** ~~[A use attainability analysis is a scientific study conducted for the purpose of assessing the factors affecting the attainment of a use.]~~ Whenever a use attainability analysis is conducted, it shall be subject to the requirements and limitations set forth in 40 CFR Part 131, Water Quality Standards; specifically, Subsections 131.3(g), 131.10(g), 131.10(h) and 131.10(j) shall be applicable. **In accordance with 40 CFR 131.10(i), and 20.6.4.10 NMAC, the amendment of a designated use, based on an existing use with more stringent criteria, does not require a use attainability analysis.**

(1) The commission may remove a designated use, ~~that is not an existing use,~~ specified in Section 101(a)(2) of the federal Clean Water Act or adopt subcategories of a use in Section 101(a)(2) of the federal Clean Water Act ~~[use]~~ requiring less stringent criteria only if a use attainability analysis demonstrates that attaining the use is not feasible because of a factor listed in 40 CFR 131.10(g). Uses in Section 101(a)(2) of the federal Clean Water Act ~~[uses]~~, which refer to the protection and propagation of fish, shellfish and wildlife and recreation in and on the water, are also specified in Subsection B of 20.6.4.6 NMAC.

(2) A designated use cannot be removed if it is an existing use unless a use requiring more stringent criteria is designated.

B. **Methods for developing a use attainability analysis.** A use attainability analysis shall assess the physical, chemical, biological, economic or other factors affecting the attainment of a use. The analysis shall rely on scientifically defensible methods such as the methods described in the following documents:

(1) *Technical Support Manual: Waterbody Surveys And Assessments For Conducting Use Attainability Analyses*, volume I (November 1983) and volume III (November 1984) or latest editions, United States environmental protection agency, office of water, regulations and standards, Washington, D.C., for the evaluation of aquatic life or wildlife uses;

(2) the department’s *Hydrology Protocol*, latest edition, approved by the commission, for identifying ephemeral, ~~and~~ intermittent, and perennial waters; or

(3) *Interim Economic Guidance For Water Quality Standards - Workbook*, March 1995, United States environmental protection agency, office of water, Washington, D.C. for evaluating economic impacts.

C. **Determining the highest attainable use.** If the use attainability analysis determines that the designated use is not attainable based on one of the factors in 40 CFR 131.10(g), the use attainability analysis shall demonstrate the support for removing the designated use and then determine the highest attainable use, as defined in 40 CFR 131.3(m), for the protection and propagation of fish, shellfish and wildlife and recreation in and on the water based on methods described in Subsection B of this section.

D. **Process to amend a designated use through a use attainability analysis.**

(1) The process for developing a use attainability analysis and petitioning the commission for removing a designated use and establishing the highest attainable use shall be done in accordance with the State’s current *Water Quality Management Plan/Continuing Planning Process.*

~~[C-](2)~~ If the findings of a use attainability analysis, conducted by the department, ~~[based on]~~ in accordance with the department's *Hydrology Protocol* (latest edition) ~~[- approved by the commission,]~~ demonstrates ~~[to the satisfaction of the department]~~ that federal Clean Water Act Section 101(a)(2) uses, that are not existing uses, are not feasible in an ephemeral water body due to the factor in 40 CFR 131.10(g)(2), the department may consider proceeding with the expedited use attainability analysis process in accordance with the State's current *Water Quality Management Plan/Continuing Planning Process*. The following elements must be met for the expedited use attainability analysis process to be authorized and implemented:

- (a) The department is the primary investigator of the use attainability analysis;
- (b) The use attainability analysis determined, through the application of the *Hydrology Protocol*, that the water being investigated is ephemeral and has no effluent discharges of sufficient volume that could compensate for the low-flow;
- (c) The use attainability analysis determined that the criteria associated with the existing uses of the water being investigated are not more stringent than those in 20.6.4.97 NMAC;
- (d) The designated uses in 20.6.4.97 NMAC have been determined to be the highest attainable uses for the water being analyzed;
- (e) The department ~~[shall]~~ posted the use attainability analysis on its water quality standards website and ~~[notify]~~ notified its interested parties list of a 30-day public comment period-;
- (f) ~~[After reviewing]~~ The department reviewed and responded to any comments received during the 30-day public comment period; and
- (g) The department ~~[may proceed by submitting]~~ submitted the use attainability analysis and response to comments to region 6 EPA for technical approval.

If EPA approves the revision under section 303(c) of the Clean Water Act ~~[technical approval is granted]~~, the water shall be subject to 20.6.4.97 NMAC for federal Clean Water Act purposes. The use attainability analysis, the technical support document, ~~[- approval,]~~ and the applicability of 20.6.4.97 NMAC to the water shall be posted on the department's water quality standards website. The department shall periodically petition the commission to list ephemeral waters under Subsection C of 20.6.4.97 NMAC and to incorporate changes to classified segments as appropriate.

[D-]E. Use attainability analysis conducted by an entity other than the department. Any person may submit notice to the department stating their intent to conduct a use attainability analysis.

(1) The proponent shall provide such notice along with ~~[develop]~~ a work plan supporting ~~[to conduct]~~ the development of a use attainability analysis ~~[- and shall submit the work plan]~~ to the department and region 6 EPA for review and comment.

(2) Upon approval of the work plan by the department, the proponent shall conduct the use attainability analysis in accordance with the applicable portions of Subsections A through D of this Section and implement public noticing in accordance with the approved work plan.

(3) Work plan elements. The work plan shall identify, at a minimum:

- (a) the waterbody of concern and the reasoning for conducting a use attainability analysis;
- (b) the ~~[scope]~~ source and validity of data ~~[currently available and the scope of data to be gathered]~~ to be used to demonstrate whether the current designated use is not attainable;[-]
- (c) the factors in 40 CFR 131.10(g) affecting ~~[use]~~ the attainment of that use;
- (d) ~~[that will be analyzed]~~ a description of the data being proposed to be used to demonstrate the highest attainable use;
- (e) ~~[and]~~ the provisions for consultation with appropriate state and federal agencies;
- (f) a description of how stakeholders and potentially affected tribes will be identified and engaged;
- (g) a description of the public notice mechanisms to be employed; and ~~[consultation with appropriate state and federal agencies]~~
- (h) the expected timelines outlining the administrative actions to be taken for a rulemaking petition, pending the outcome of the use attainability analysis.

(4) ~~[Upon approval of the work plan by the department, the proponent shall conduct the use attainability analysis in accordance with the approved work plan. The cost of such analysis shall be the responsibility of the proponent.]~~ Upon completion of the use attainability analysis, the proponent shall submit the data, findings and conclusions to the department, and provide public notice of the use attainability analysis in accordance with the approved work plan.

(5) Pending the conclusions of the use attainability analysis and as described in the approved work plan. [F]the department or the proponent may petition the commission to modify the designated use [if the conclusions of the analysis support such action]. The cost of such use attainability analysis shall be the responsibility of the proponent. Subsequent costs associated with the administrative rulemaking process shall be the responsibility of the petitioner.

[20.6.4.15 NMAC - Rp 20 NMAC 6.1.1107, 10/12/2000; Rn, 20.6.4.14 NMAC, 5/23/2005; A, 5/23/2005; A, 7/17/2005; A, 12/1/2010: A, XX/XX/XXXX]

20.6.4.16 PLANNED USE OF A PISCICIDE: The use of a piscicide registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. Section 136 *et seq.*, and under the New Mexico Pesticide Control Act (NMPCA), Section 76-4-1 *et seq.* NMSA 1978 (1973) in a surface water of the state, shall not be a violation of Subsection F of 20.6.4.13 NMAC when such use is covered by a federal national pollutant discharge elimination system (NPDES) permit or has been approved by the commission under procedures provided in this section. The use of a piscicide which is covered by a NPDES permit shall require no further review by the commission and the person whose application is covered by the NPDES permit shall meet the additional notification and monitoring requirements outlined in Subsection G of 20.6.4.16 NMAC. The commission may approve the reasonable use of a piscicide under this section if the proposed use is not covered by a NPDES permit to further a Clean Water Act objective to restore and maintain the physical or biological integrity of surface waters of the state, including restoration of native species.

A. Any person seeking commission approval of the use of a piscicide not covered by a NPDES permit shall file a written petition concurrently with the commission and the surface water bureau of the department. The petition shall contain, at a minimum, the following information:

- (1) petitioner's name and address;
- (2) identity of the piscicide and the period of time (not to exceed five years) or number of applications for which approval is requested;
- (3) documentation of registration under FIFRA and NMPCA and certification that the petitioner intends to use the piscicide according to the label directions, for its intended function;
- (4) target and potential non-target species in the treated waters and adjacent riparian area, including threatened or endangered species;
- (5) potential environmental consequences to the treated waters and the adjacent riparian area, and protocols for limiting such impacts;
- (6) surface water of the state proposed for treatment;
- (7) results of pre-treatment survey;
- (8) evaluation of available alternatives and justification for selecting piscicide use;
- (9) documentation of notice requesting public comment on the proposed use within a 30-day period, including information as described in Paragraphs (1), (2) and (6) of Subsection A of 20.6.4.16 NMAC, provided to:

- (a) local political subdivisions;
- (b) local water planning entities;
- (c) local conservancy and irrigation districts; and
- (d) local media outlets, except that the petitioner shall only be required to publish notice in a newspaper of circulation in the locality affected by the proposed use.

- (10) copies of public comments received in response to the publication of notice and the petitioner's responses to public comments received;

- (11) post-treatment assessment monitoring protocol; and

- (12) any other information required by the commission.

B. Within 30 days of receipt of the petition, the department shall review the petition and file a recommendation with the commission to grant, grant with conditions or deny the petition. The recommendation shall include reasons, and a copy shall be sent to the petitioner by certified mail.

C. The commission shall review the petition, the public comments received under Paragraphs (9) and (10) of Subsection A of 20.6.4.16 NMAC, the petitioner's responses to public comments and the department's technical recommendations for the petition. A public hearing shall be held if the commission determines there is substantial public interest. The commission shall notify the petitioner and those commenting on the petition of the decision whether to hold a hearing and the reasons therefore in writing.

D. If the commission determines there is substantial public interest a public hearing shall be held within 90 days of receipt of the department's recommendation in the locality affected by the proposed use in

accordance with 20.1.3 NMAC, Adjudicatory Procedures - Water Quality Control Commission. Notice of the hearing shall be given in writing by the petitioner to individuals listed under Subsection A of 20.6.4.16 NMAC as well as to individuals who provided public comment under that subsection at least 30 days prior to the hearing.

E. In a hearing provided for in this section or, if no hearing is held, in a commission meeting, the registration of a piscicide under FIFRA and NMPCA shall provide a rebuttable presumption that the determinations of the EPA Administrator in registering the piscicide, as outlined in 7 U.S.C. Section 136a(c)(5), are valid. For purposes of this Section the rebuttable presumptions regarding the piscicide include:

- (1) Its composition is such as to warrant the proposed claims for it;
 - (2) Its labeling and other material submitted for registration comply with the requirements of FIFRA and NMPCA;
 - (3) It will perform its intended function without unreasonable adverse effects on the environment; and
 - (4) When used in accordance with all FIFRA label requirements it will not generally cause unreasonable adverse effects on the environment.
- (5) "Unreasonable adverse effects on the environment" has the meaning provided in FIFRA, 7 U.S.C. Section 136(bb): "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide."

F. After a public hearing, or commission meeting if no hearing is held, the commission may grant the petition in whole or in part, may grant the petition subject to conditions, or may deny the petition. In granting any petition in whole or part or subject to conditions, the commission shall require the petitioner to implement post-treatment assessment monitoring and provide notice to the public in the immediate and near downstream vicinity of the application prior to and during the application.

G. Any person whose application is covered by a NPDES permit shall provide written notice to local entities as described in Subsection A of 20.6.4.16 NMAC and implement post-treatment assessment monitoring within the application area as described in Subsection F of 20.6.4.16 NMAC.

[20.6.4.16 NMAC - Rn, Paragraph (6) of Subsection F of 20.6.4.12 NMAC, 5/23/2005; A, 5/23/2005; A, 3/2/2017]

20.6.4.17 - 20.6.4.49 [RESERVED]

20.6.4.50 BASINWIDE PROVISIONS - Special provisions arising from interstate compacts, international treaties or court decrees or that otherwise apply to a basin are contained in 20.6.4.51 through 20.6.4.59 NMAC.

[20.6.4.50 NMAC - N, 5/23/2005]

20.6.4.51 [RESERVED]

20.6.4.52 PECOS RIVER BASIN - In order to protect existing and designated uses, it is a goal of the state of New Mexico to prevent increases in TDS in the Pecos river above the following benchmark values, which are expressed as flow-weighted, annual average concentrations, at three USGS gaging stations: at Santa Rosa 500 mg/L; near Artesia 2,700 mg/L; and near Malaga 3,600 mg/L. The benchmark values serve to guide state action. They are adopted pursuant to the New Mexico Water Quality Act, not the Clean Water Act.

[20.6.4.52 NMAC - N, 12/1/2010]

20.6.4.53 [RESERVED]

20.6.4.54 COLORADO RIVER BASIN - For the tributaries of the Colorado river system, the state of New Mexico will cooperate with the Colorado river basin states and the federal government to support and implement the salinity policy and program outlined in the most current "review, water quality standards for salinity, Colorado river system" or equivalent report by the Colorado river salinity control forum.

A. Numeric criteria expressed as the flow-weighted annual average concentration for salinity are established at three points in the Colorado river basin as follows: below Hoover dam, 723 mg/L; below Parker dam, 747 mg/L; and at Imperial dam, 879 mg/L.

B. As a part of the program, objectives for New Mexico shall include the elimination of discharges of water containing solids in solution as a result of the use of water to control or convey fly ash from coal-fired electric generators, wherever practicable.

[20.6.4.54 NMAC - Rn, Paragraphs (1) through (3) of Subsection K of 20.6.4.12 NMAC, 5/23/2005; A, 5/23/2005]

20.6.4.55 - 20.6.4.96 [RESERVED]

20.6.4.97 Ephemeral Waters: Ephemeral surface waters of the state as identified below and additional ephemeral waters as identified on the department's water quality standards website pursuant to **Paragraph (2) of Subsection [E]D of 20.6.4.15 NMAC** are subject to the designated uses and criteria as specified in this section. Ephemeral waters classified in 20.6.4.101-899 NMAC are subject to the designated uses and criteria as specified in those sections.

- A. Designated uses:** livestock watering, wildlife habitat, limited aquatic life and secondary contact.
- B. Criteria:** the use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses.
- C. Waters:**
 - (1) the following waters are designated in the Rio Grande basin:
 - (a) Cunningham gulch from Santa Fe county road 55 upstream 1.4 miles to a point upstream of the Lac minerals mine, identified as Ortiz mine on U.S. geological survey topographic maps;
 - (b) an unnamed tributary from Arroyo Hondo upstream 0.4 miles to the Village of Oshara water reclamation facility outfall;
 - (c) an unnamed tributary from San Pedro creek upstream 0.8 miles to the PAA-KO community sewer outfall;
 - (d) Inditos draw from the crossing of an unnamed road along a power line one-quarter mile west of McKinley county road 19 upstream to New Mexico highway 509;
 - (e) an unnamed tributary from the diversion channel connecting Blue canyon and Socorro canyon upstream 0.6 miles to the New Mexico firefighters academy treatment facility outfall;
 - (f) an unnamed tributary from the Albuquerque metropolitan arroyo flood control authority (AMAFCA) Rio Grande south channel upstream of the crossing of New Mexico highway 47 upstream to I-25;
 - (g) the south fork of Cañon del Piojo from ~~[Cañon]~~Cañon del Piojo upstream 1.2 miles to an unnamed tributary;
 - (h) an unnamed tributary from the south fork of Cañon del Piojo upstream 1 mile to the Resurrection mine outfall;
 - (i) Arroyo del Puerto from San Mateo creek upstream 6.8 miles to the Ambrosia Lake mine entrance road;
 - (j) an unnamed tributary from San Mateo creek upstream 1.5 miles to the Roca Honda mine facility outfall;
 - (k) San Isidro arroyo, including unnamed tributaries to San Isidro arroyo, from Arroyo Chico upstream to its headwaters;
 - (l) Arroyo Tinaja, including unnamed tributaries to Arroyo Tinaja, from San Isidro arroyo upstream to 2 miles northeast of the Cibola national forest boundary;
 - (m) Mulatto canyon from Arroyo Tinaja upstream to 1 mile northeast of the Cibola national forest boundary; and
 - (n) Doctor arroyo, including unnamed tributaries to Doctor arroyo, from San Isidro arroyo upstream to its headwaters, and excluding Doctor Spring and Doctor arroyo from the spring to its confluence with the unnamed tributary approximately one-half mile downstream of the spring.
 - (2) the following waters are designated in the Pecos river basin:
 - (a) an unnamed tributary from Hart canyon upstream 1 mile to South Union road;
 - (b) Aqua Chiquita from Rio Peñasco upstream to McEwan canyon; and
 - (c) Grindstone canyon upstream of Grindstone reservoir.
 - (3) the following waters are designated in the Canadian river basin:
 - (a) Bracket canyon upstream of the Vermejo river;
 - (b) an unnamed tributary from Bracket canyon upstream 2 miles to the Ancho mine; and
 - (c) Gachupin canyon from the Vermejo river upstream 2.9 miles to an unnamed west tributary near the Ancho mine outfall.
 - (4) in the San Juan river basin an unnamed tributary of Kim-me-ni-oli wash upstream of the mine outfall.
 - (5) the following waters are designated in the Little Colorado river basin:
 - (a) Defiance draw from County Road 1 to upstream of West Defiance Road; and

(b) an unnamed tributary of Defiance draw from McKinley county road 1 upstream to New Mexico highway 264.

(6) the following waters are designated in the closed basins:

(a) in the Tularosa river closed basin San Andres canyon downstream of South San Andres canyon; and

(b) in the Mimbres river closed basin San Vicente arroyo from the Mimbres river upstream to Maudes canyon.

[20.6.4.97 NMAC - N, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, 12/17/2019; ~~A, XX/XX/XXXX~~]

20.6.4.98 INTERMITTENT WATERS: All non-perennial surface waters of the state, except those ephemeral waters included under section 20.6.4.97 NMAC or classified in 20.6.4.101-899 NMAC.

A. Designated uses: livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.

B. Criteria: the use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following site-specific criteria apply: the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.98 NMAC - N, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.99 PERENNIAL WATERS: All perennial surface waters of the state except those classified in 20.6.4.101-899 NMAC.

A. Designated uses: Warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following site-specific criteria apply: the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.99 NMAC - N, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.100 [RESERVED]

20.6.4.101 RIO GRANDE BASIN: The main stem of the Rio Grande from the international boundary with Mexico upstream to one mile downstream of Percha dam.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criterion applies: temperature 34°C (93.2°F) or less.

(2) At mean monthly flows above 350 cfs, the monthly average concentration for: TDS 2,000 mg/L or less, sulfate 500 mg/L or less and chloride 400 mg/L or less.

C. Remarks: sustained flow in the Rio Grande below Caballo reservoir is dependent on release from Caballo reservoir during the irrigation season; at other times of the year, there may be little or no flow.

[20.6.4.101 NMAC - Rp 20 NMAC 6.1.2101, 10/12/2010; A, 12/15/2001; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.102 RIO GRANDE BASIN: The main stem of the Rio Grande from one mile downstream of Percha dam upstream to Caballo dam.

A. Designated uses: irrigation, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

C. Remarks: sustained flow in the Rio Grande downstream of Caballo reservoir is dependent on release from Caballo reservoir during the irrigation season; at other times of the year, there may be little or no flow.

[20.6.4.102 NMAC - Rp 20 NMAC 6.1.2102, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.103 RIO GRANDE BASIN: [-] [The main stem of the Rio Grande from the headwaters of Caballo reservoir upstream to Elephant Butte dam and p]Perennial reaches of tributaries to the Rio Grande

in Sierra and Socorro counties **not specifically identified under other sections of 20.6.4 NMAC**, excluding waters on tribal lands.

A. **Designated uses:** irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life, secondary contact and warmwater aquatic life.

B. **Criteria:** the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

~~[C. **Remarks:** flow in this reach of the Rio Grande main stem is dependent upon release from Elephant Butte dam.]~~

[20.6.4.103 NMAC - Rp 20 NMAC 6.1.2103, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, XX/XX/XXXX]

[NOTE: This segment was divided effective XX/XX/XXXX. The standards for the main stem of the Rio Grande from the headwaters of Caballo reservoir upstream to Elephant Butte dam, perennial reaches of Palomas creek, perennial reaches of Rio Salado, perennial reaches of Percha creek, perennial reaches of Alamosa creek, Las Animas creek, and perennial reaches of Abo arroyo are under 20.6.4.112 NMAC.]

20.6.4.104 RIO GRANDE BASIN: - Caballo and Elephant Butte reservoir.

A. **Designated uses:** irrigation storage, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. **Criteria:** the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.104 NMAC - Rp 20 NMAC 6.1.2104, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.105 RIO GRANDE BASIN: [-] The main stem of the Rio Grande from the headwaters of Elephant Butte reservoir upstream to Alameda bridge (Corrales bridge), excluding waters on Isleta pueblo.

A. **Designated uses:** irrigation, marginal warmwater aquatic life, livestock watering, public water supply, wildlife habitat and primary contact.

B. **Criteria:**

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At mean monthly flows above 100 cfs, the monthly average concentration for: TDS 1,500 mg/L or less, sulfate 500 mg/L or less and chloride 250 mg/L or less.

(3) Effluent requirements referenced in 20.6.2.2102 NMAC, Rio Grande basin-community sewerage systems, apply if the applicability conditions in 20.6.2.2100 NMAC are met.

[20.6.4.105 NMAC - Rp 20 NMAC 6.1.2105, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, XX/XX/XXXX]

20.6.4.106 RIO GRANDE BASIN: [-] The main stem of the Rio Grande from Alameda bridge (Corrales bridge) upstream to the Angostura diversion works, excluding waters on Santa Ana pueblo, and intermittent water in the Jemez river below the Jemez pueblo boundary, excluding waters on Santa Ana and Zia pueblos, that enters the main stem of the Rio Grande. Portions of the Rio Grande in this segment are under the joint jurisdiction of the state and Sandia pueblo.

A. **Designated uses:** irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact; and public water supply on the Rio Grande.

B. **Criteria:**

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At mean monthly flows above 100 cfs, the monthly average concentration for: TDS 1,500 mg/L or less, sulfate 500 mg/L or less and chloride 250 mg/L or less.

(3) Effluent requirements referenced in 20.6.2.2102, NMAC Rio Grande basin-community sewerage systems, apply if the applicability conditions in 20.6.2.2100 NMAC are met.

[20.6.4.106 NMAC - Rp 20 NMAC 6.1.2105.1, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, XX/XX/XXXX]

20.6.4.107 RIO GRANDE BASIN: [-] The Jemez river from the Jemez pueblo boundary upstream to Soda dam near the town of Jemez Springs and perennial reaches of Vallecito creek.

A. **Designated uses:** coldwater aquatic life, primary contact, irrigation, livestock watering and wildlife habitat; and public water supply on Vallecito creek.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F). [20.6.4.107 NMAC - Rp 20 NMAC 6.1.2105.5, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.108 RIO GRANDE BASIN: [-] Perennial reaches of the Jemez river upstream of Soda dam near the town of Jemez Springs and [all-its]perennial reaches of tributaries to the Jemez river except those not specifically identified under other sections of 20.6.4 NMAC [above Soda dam near the town of Jemez Springs, except San Gregorio lake and Sulphur creek above its confluence with Redondo creek], and perennial reaches of the Guadalupe river and perennial reaches of [all-its] tributaries to the Guadalupe river, and Calaveras canyon.

A. Designated uses: domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 400 µS/cm or less (800 µS/cm or less on Sulphur creek); the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less; and pH within the range of 2.0 to 8.8 on Sulphur creek.

[20.6.4.108 NMAC - Rp 20 NMAC 6.1.2106, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012; A, XX/XX/XXXX]

[NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.124 NMAC. The standards for San Gregorio lake are in 20.6.4.134 NMAC, effective 7/10/2012]

20.6.4.109 RIO GRANDE BASIN: [-] Perennial reaches of Bluewater creek excluding Bluewater lake and waters on tribal lands, Rio Moquino upstream of Laguna pueblo, Seboyeta creek, Rio Paguete upstream of Laguna pueblo, the Rio Puerco upstream of the northern boundary of Cuba, and all other perennial reaches of tributaries to the Rio Puerco, including the Rio San Jose in Cibola county from the USGS gaging station at Correo upstream to Horace springs excluding waters on tribal lands.

A. Designated uses: coldwater aquatic life, domestic water supply, fish culture, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on La Jara creek.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: phosphorus (unfiltered sample) 0.1 mg/L or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.109 NMAC - Rp 20 NMAC 6.1.2107, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012]

[NOTE: The standards for Bluewater lake are in 20.6.4.135 NMAC, effective 7/10/2012]

20.6.4.110 RIO GRANDE BASIN: The main stem of the Rio Grande from Angostura diversion works upstream to Cochiti dam, excluding the reaches on San Felipe, Kewa and Cochiti pueblos.

A. Designated uses: irrigation, livestock watering, wildlife habitat, primary contact, coldwater aquatic life and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: pH within the range of 6.6 to 9.0 and temperature 25°C (77°F) or less.

[20.6.4.110 NMAC - Rp 20 NMAC 6.1.2108, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.111 RIO GRANDE BASIN: [-] Perennial reaches of Las Huertas creek from the San Felipe pueblo boundary to the headwaters.

A. Designated uses: high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.

[20.6.4.111 NMAC - Rp 20 NMAC 6.1.2108.5, 10/12/2000; A, 7/25/2001; A, 5/23/2005; A-12/1/2010]

[NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.125 NMAC.]

20.6.4.112 **[RESERVED] RIO GRANDE BASIN: - The main stem of the Rio Grande from the headwaters of Caballo reservoir upstream to Elephant Butte dam, perennial reaches of Palomas creek, perennial reaches of Rio Salado, perennial reaches of Percha creek, perennial reaches of Alamosa creek, Las Animas creek, and perennial reaches of Abo arroyo.**

A. Designated uses: irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

C. Remarks: flow in this reach of the Rio Grande main stem is dependent upon release from Elephant Butte dam.

[20.6.4.112 NMAC - Rp 20 NMAC 6.1.2109, 10/12/2000; A, 5/23/2005; Repealed, 12/1/2010; A, XX/XX/XXXX]

20.6.4.113 **RIO GRANDE BASIN: [-] The Santa Fe river and perennial reaches of its tributaries from the Cochiti pueblo boundary upstream to the outfall of the Santa Fe wastewater treatment facility.**

A. Designated uses: irrigation, livestock watering, wildlife habitat, primary contact and coolwater aquatic life.

B. Criteria: The use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 30°C (86°F) or less.

[20.6.4.113 NMAC - Rp 20 NMAC 6.1.2110, 10/12/2000; A, 10/11/2002; A, 5/23/2005; A, 12/1/2010; A, 2/14/2013]

20.6.4.114 **RIO GRANDE BASIN: [-] The main stem of the Rio Grande from the Cochiti pueblo boundary upstream to Rio Pueblo de Taos excluding waters on San Ildefonso, Santa Clara and Ohkay Owingeh pueblos, Embudo creek from its mouth on the Rio Grande upstream to the Picuris Pueblo boundary, the Santa Cruz river from the Santa Clara pueblo boundary upstream to the Santa Cruz dam, the Rio Tesuque except waters on the Tesuque and Pojoaque pueblos, and the Pojoaque river from the San Ildefonso pueblo boundary upstream to the Pojoaque pueblo boundary. Some Rio Grande waters in this segment are under the joint jurisdiction of the state and San Ildefonso pueblo.**

A. Designated uses: irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life, primary contact and warmwater aquatic life; and public water supply on the main stem Rio Grande.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: 6T3 temperature 22°C (71.6°F) and maximum temperature 25°C (78.8°F). In addition, the following criteria based on a 12-month rolling average are applicable to the public water supply use for monitoring and public disclosure purposes only:

Radionuclide	pCi/L
Americium-241	1.9
Cesium-137	6.4
Plutonium-238	1.5
Plutonium-239/240	1.5
Strontium-90	3.5
Tritium	4,000

(2) At mean monthly flows above 100 cfs, the monthly average concentration for: TDS 500 mg/L or less, sulfate 150 mg/L or less and chloride 25 mg/L or less.

[20.6.4.114 NMAC - Rp 20 NMAC 6.1.2111, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.115 **RIO GRANDE BASIN: [-] The perennial reaches of Rio Vallecitos, ~~and its~~ perennial reaches of tributaries to Rio Vallecitos except Hopewell lake, and perennial reaches of Rio del Oso and perennial reaches of El Rito creek above the town of El Rito.**

A. Designated uses: domestic water supply, irrigation, high quality coldwater aquatic life, livestock watering, wildlife habitat and primary contact; public water supply on the Rio Vallecitos and El Rito creek.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. [20.6.4.115 NMAC - Rp 20 NMAC 6.1.2112, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012; [A](#), [XX/XX/XXXX](#)]

[NOTE: The standards for Hopewell lake are in 20.6.4.134 NMAC, effective 7/10/2012]

20.6.4.116 RIO GRANDE BASIN: The Rio Chama from its mouth on the Rio Grande upstream to Abiquiu reservoir, perennial reaches of the Rio Tusas, perennial reaches of the Rio Ojo Caliente, perennial reaches of Abiquiu creek and perennial reaches of El Rito creek downstream of the town of El Rito.

A. Designated uses: irrigation, livestock watering, wildlife habitat, coldwater aquatic life, warmwater aquatic life and [\[secondary\]](#)[primary](#) contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 31°C (87.8°F) or less. [20.6.4.116 NMAC - Rp 20 NMAC 6.1.2113, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; [A](#), [XX/XX/XXXX](#)]

20.6.4.117 RIO GRANDE BASIN: [-] Abiquiu reservoir.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, primary contact, coldwater aquatic life and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less. [20.6.4.117 NMAC - Rp 20 NMAC 6.1.2114, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.118 RIO GRANDE BASIN: [-] The Rio Chama from the headwaters of Abiquiu reservoir upstream to El Vado reservoir and perennial reaches of the Rio Gallina and Rio Puerco de Chama north of state highway 96. Some Rio Chama waters in this segment are under the joint jurisdiction of the state and the Jicarilla Apache tribe.

A. Designated uses: irrigation, livestock watering, wildlife habitat, coldwater aquatic life, warmwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 26°C (78.8°F) or less. [20.6.4.118 NMAC - Rp 20 NMAC 6.1.2115, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.119 RIO GRANDE BASIN: [-] All perennial reaches of tributaries to the Rio Chama above Abiquiu dam, except Canjilon lakes a, c, e and f and the Rio Gallina and Rio Puerco de Chama north of state highway 96 and excluding waters on Jicarilla Apache reservation, and the main stem of the Rio Chama from the headwaters of El Vado reservoir upstream to the New Mexico-Colorado line. Some Cañones creek and Rio Chama waters in this segment are under the joint jurisdiction of the state and the Jicarilla Apache tribe.

A. Designated uses: domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the Rio Brazos and Rio Chama.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 500 µS/cm or less (1,000 µS or less for Coyote creek); the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.119 NMAC - Rp 20 NMAC 6.1.2116, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012]

[NOTE: The standards for Canjilon lakes a, c, e and f are in 20.6.4.134 NMAC, effective 7/10/2012]

20.6.4.120 RIO GRANDE BASIN: [-] El Vado and Heron reservoirs.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, public water supply, primary contact and coldwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.120 NMAC - Rp 20 NMAC 6.1.2117, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.121 RIO GRANDE BASIN: [-] Perennial tributaries to the Rio Grande in Bandelier national monument and their headwaters in Sandoval county and all perennial reaches of tributaries to the Rio Grande in Santa Fe county unless included in other segments and excluding waters on tribal lands.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on Little Tesuque creek, the Rio en Medio, and the Santa Fe river.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 μ S/cm or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. [20.6.4.121 NMAC - Rp 20 NMAC 6.1.2118, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 2/14/2013] [NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for the additional segments are under 20.6.4.126, 20.6.4.127 and 20.6.4.128 NMAC.]

20.6.4.122 RIO GRANDE BASIN: [-] The main stem of the Rio Grande from Rio Pueblo de Taos upstream to the New Mexico-Colorado line, the Red river from its mouth on the Rio Grande upstream to the mouth of Placer creek, and the Rio Pueblo de Taos from its mouth on the Rio Grande upstream to the mouth of the Rio Grande del Rancho. Some Rio Grande and Rio Pueblo de Taos waters in this segment are under the joint jurisdiction of the state and Taos pueblo.

A. Designated uses: coldwater aquatic life, fish culture, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. [20.6.4.122 NMAC - Rp 20 NMAC 6.1.2119, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.123 RIO GRANDE BASIN: [-] Perennial reaches of the Red river upstream of the mouth of Placer creek, all perennial reaches of tributaries to the Red river, and all other perennial reaches of tributaries to the Rio Grande in Taos and Rio Arriba counties unless included in other segments and excluding waters on Santa Clara, Ohkay Owingeh, Picuris and Taos pueblos.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the Rio Pueblo and Rio Fernando de Taos.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 400 μ S/cm or less (500 μ S/cm or less for the Rio Fernando de Taos); the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less; and phosphorus (unfiltered sample) less than 0.1 mg/L for the Red river. [20.6.4.123 NMAC - Rp 20 NMAC 6.1.2120, 10/12/2000; A, 5/23/2005; A, 12/1/2010] [NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.129 NMAC.]

20.6.4.124 RIO GRANDE BASIN: Perennial reaches of Sulphur creek from its confluence with Redondo creek upstream to its headwaters.

A. Designated uses: limited aquatic life, wildlife habitat, livestock watering and secondary contact.

B. Criteria: the use-specific criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: pH within the range of 2.0 to 9.0, maximum temperature 30°C (86°F), and the chronic aquatic life criteria of Subsections I and J of 20.6.4.900 NMAC. [20.6.4.124 NMAC - N, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.125 RIO GRANDE BASIN: [-] Perennial reaches of San Pedro creek from the San Felipe pueblo boundary to the headwaters.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.

[20.6.4.125 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.126 RIO GRANDE BASIN: [-] Perennial portions of Cañon de Valle from Los Alamos national laboratory (LANL) stream gage E256 upstream to Burning Ground spring, Sandia canyon from Sigma canyon upstream to LANL NPDES outfall 001, Pajarito canyon from Arroyo de La Delfe upstream into Starmers gulch and Starmers spring and Water canyon from Area-A canyon upstream to State Route 501.

A. Designated uses: coldwater aquatic life, livestock watering, wildlife habitat and secondary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.126 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.127 RIO GRANDE BASIN: [-] Perennial portions of Los Alamos canyon upstream from Los Alamos reservoir and Los Alamos reservoir.

A. Designated uses: coldwater aquatic life, livestock watering, wildlife habitat, irrigation and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.127 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.128 RIO GRANDE BASIN: [-] Ephemeral and intermittent [watercourses]waters within lands managed by U.S. department of energy (DOE) within LANL[-], including but not limited to: Mortandad canyon, Cañada del Buey, Ancho canyon, Chaquehui canyon, Indio canyon, Fence canyon, Potrillo canyon, and portions of Cañon de Valle, Los Alamos canyon, Sandia canyon, Pajarito canyon and Water canyon not specifically identified in 20.6.4.126 NMAC or 20.6.4.140 NMAC. (Surface waters within lands scheduled for transfer from DOE to tribal, state or local authorities are specifically excluded.)

A. Designated uses: livestock watering, wildlife habitat, limited aquatic life and secondary contact.

B. Criteria: the use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the acute total ammonia criteria set forth in Subsection [K] of 20.6.4.900 NMAC ([salmonids]*Oncorhynchus spp.* absent).

[20.6.4.128 NMAC - N, 5/23/2005; A, 12/1/2010; A. XX/XX/XXXX]

[NOTE: This section was divided effective XX/XX/XXXX. The standards for some intermittent waters within LANL are in 20.6.4.140 NMAC.]

20.6.4.129 RIO GRANDE BASIN: [-] Perennial reaches of the Rio Hondo.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 400 μ S/cm or less and phosphorus (unfiltered sample) less than 0.1 mg/L.

[20.6.4.129 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.130 RIO GRANDE BASIN: [-] The Rio Puerco from the Rio Grande upstream to Arroyo Chijuilla, excluding the reaches on Isleta, Laguna and Cañoncito Navajo pueblos. Some waters in this segment are under the joint jurisdiction of the state and Isleta, Laguna or Cañoncito Navajo pueblos.

A. Designated uses: irrigation, warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At mean monthly flows above 100 cfs, the monthly average concentration for: TDS 1,500 mg/L or less, sulfate 500 mg/L or less and chloride 250 mg/L or less.

[20.6.4.130 NMAC - N, 12/1/2010]

20.6.4.131 RIO GRANDE BASIN: [-] The Rio Puerco from the confluence of Arroyo Chijuilla upstream to the northern boundary of Cuba.

- A. Designated uses:** warmwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.
- B. Criteria:** the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.
[20.6.4.131 NMAC - N, 12/1/2010]

20.6.4.132 RIO GRANDE BASIN: [-] Rio Grande (Klauer) spring

- A. Designated uses:** domestic water supply, wildlife habitat, livestock watering, coldwater aquatic life use and primary contact.
- B. Criteria:** the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.
[20.6.4.132 NMAC - N, 12/1/2010]

20.6.4.133 RIO GRANDE BASIN: [-] Bull Creek lake, Cow lake, Elk lake, Goose lake, Heart lake, Hidden lake (Lake Hazel), Horseshoe lake, Horseshoe (Alamitos) lake, Jose Vigil lake, Lost lake, Middle Fork lake, Nambe lake, Nat II lake, Nat IV lake, No Fish lake, Pioneer lake, San Leonardo lake, Santa Fe lake, Serpent lake, South Fork lake, Trampas lakes (east and west) and Williams lake.

- A. Designated uses:** high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.
- B. Criteria:** The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 μ S/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.133 NMAC - N, 7/10/2012]

20.6.4.134 RIO GRANDE BASIN: [-] Cabresto lake, Canjilon lakes a, c, e and f, Fawn lakes (east and west), Hopewell lake and San Gregorio lake.

- A. Designated uses:** high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.
- B. Criteria:** The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 μ S/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.134 NMAC - N, 7/10/2012]

20.6.4.135 RIO GRANDE BASIN: [-] Bluewater lake.

- A. Designated uses:** coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.
- B. Criteria:** The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: phosphorus (unfiltered sample) 0.1 mg/L or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.135 NMAC - N, 7/10/2012]

20.6.4.136 RIO GRANDE BASIN: [-] The Santa Fe river from the outfall of the Santa Fe wastewater treatment facility to Guadalupe street.

- A. Designated uses:** limited aquatic life, wildlife habitat, primary contact, livestock watering, and irrigation.
- B. Criteria:** the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.
[20.6.4.136 NMAC - N, 2/14/2013]

20.6.4.137 RIO GRANDE BASIN: [-] The Santa Fe river from Guadalupe street to Nichols reservoir.

- A. Designated uses:** coolwater aquatic life, wildlife habitat, primary contact, livestock watering, and irrigation.
- B. Criteria:** the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.
[20.6.4.137 NMAC - N, 2/14/2013]

20.6.4.138 RIO GRANDE BASIN: [-] Nichols and McClure reservoirs.

A. Designated uses: high quality coldwater aquatic life, wildlife habitat, primary contact, public water supply and irrigation.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 $\mu\text{S}/\text{cm}$ or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. [20.6.4.138 NMAC - N, 2/14/2013]

20.6.4.139 RIO GRANDE BASIN: [-] Perennial reaches of Galisteo creek and perennial reaches of its tributaries from Kewa pueblo upstream to 2.2 miles upstream of Lamy.

A. Designated uses: coolwater aquatic life, primary contact, irrigation, livestock watering, domestic water supply and wildlife habitat; and public water supply on Cerrillos reservoir.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. [20.6.4.139 NMAC - N, 2/14/2013]

20.6.4.140 RIO GRANDE BASIN: Effluent canyon from Mortandad canyon to its headwaters, intermittent portions of S-Site canyon from monitoring well MSC 16-06293 to Martin spring, and intermittent portions of Twomile canyon from its confluence with Pajarito canyon to Upper Twomile canyon. (Surface waters within lands scheduled for transfer from DOE to tribal, state or local authorities are specifically excluded.)

A. Designated uses: livestock watering, wildlife habitat, marginal warmwater aquatic life and secondary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.140 NMAC - N, XX/XX/XXXX]

20.6.4.~~140~~141- 20.6.4.200 [RESERVED]

20.6.4.201 PECOS RIVER BASIN: [-] The main stem of the Pecos river from the New Mexico-Texas line upstream to the mouth of the Black river (near Loving).

A. Designated uses: irrigation, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: dissolved boron for irrigation use 2,000 $\mu\text{g}/\text{L}$ or less.

(2) At all flows above 50 cfs: TDS 20,000 mg/L or less, sulfate 3,000 mg/L or less and chloride 10,000 mg/L or less.

[20.6.4.201 NMAC - Rp 20 NMAC 6.1.2201, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.202 PECOS RIVER BASIN: [-] The main stem of the Pecos river from the mouth of the Black river upstream to lower Tansil dam, including perennial reaches of the Black river, the Delaware river and Blue spring.

A. Designated uses: industrial water supply, irrigation, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 34°C (93.2°F) or less.

(2) At all flows above 50 cfs: TDS 8,500 mg/L or less, sulfate 2,500 mg/L or less and chloride 3,500 mg/L or less.

C. Remarks: diversion for irrigation frequently limits summer flow in this reach of the main stem Pecos river to that contributed by springs along the watercourse.

[20.6.4.202 NMAC - Rp 20 NMAC 6.1.2202, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

[NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for Lower Tansil Lake and Lake Carlsbad are under 20.6.4.218 NMAC.]

20.6.4.203 PECOS RIVER BASIN: [-] The main stem of the Pecos river from the headwaters of Lake Carlsbad upstream to Avalon dam.

A. Designated uses: industrial water supply, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: temperature 34°C (93.2°F) or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.203 NMAC - Rp 20 NMAC 6.1.2203, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

[NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for Lower Tansil Lake and Lake Carlsbad are under 20.6.4.218 and for Avalon Reservoir are under 20.6.4.219 NMAC.]

20.6.4.204 PECOS RIVER BASIN: [-] The main stem of the Pecos river from the headwaters of Avalon reservoir upstream to Brantley dam.

A. Designated uses: irrigation, livestock watering, wildlife habitat, ~~secondary~~primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.204 NMAC - Rp 20 NMAC 6.1.2204, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, XX/XX/XXXX]

[NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for Avalon Reservoir are under 20.6.4.219 NMAC.]

20.6.4.205 PECOS RIVER BASIN: [-] Brantley reservoir.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.205 NMAC - Rp 20 NMAC 6.1.2205, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.206 PECOS RIVER BASIN: ~~[The main stem of the Pecos river from the headwaters of Brantley reservoir upstream to Salt creek (near Acme), perennial reaches of the Rio Peñasco downstream from state highway 24 near Dunken, perennial reaches of the Rio Hondo and its]~~Perennial reaches of the Rio Felix and perennial reaches of tributaries to the Rio Hondo downstream of Bonney canyon, excluding North Spring river and perennial reaches of the Rio Felix].

A. Designated uses: irrigation, livestock watering, wildlife habitat, secondary contact and warmwater aquatic life.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At all flows above 50 cfs: TDS 14,000 mg/L or less, sulfate 3,000 mg/L or less and chloride 6,000 mg/L or less.

[20.6.4.206 NMAC - Rp 20 NMAC 6.1.2206, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, XX/XX/XXXX]

[NOTE: This segment was divided effective XX/XX/XXXX. The standards for the main stem of the Pecos river from the headwaters of Brantley reservoir upstream to Salt creek (near Acme), perennial reaches of the Rio Peñasco downstream from state highway 24 near Dunken, and perennial reaches of the Rio Hondo are under 20.6.4.231 NMAC.]

20.6.4.207 PECOS RIVER BASIN: [-] The main stem of the Pecos river from Salt creek (near Acme) upstream to Sumner dam.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and ~~secondary~~primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At all flows above 50 cfs: TDS 8,000 mg/L or less, sulfate 2,500 mg/L or less and chloride 4,000 mg/L or less.

[20.6.4.207 NMAC - Rp 20 NMAC 6.1.2207, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, XX/XX/XXXX]

20.6.4.208 PECOS RIVER BASIN: [-] Perennial reaches of the Rio Peñasco above state highway 24 near Dunken, ~~and its~~ perennial reaches of tributaries to the Rio Peñasco above state highway 24 near Dunken, perennial reaches of Cox canyon, perennial reaches of the Rio Bonito downstream from state highway 48 (near Angus), the Rio Ruidoso downstream of the U.S. highway 70 bridge near Seeping Springs lakes, perennial reaches of the Rio Hondo upstream from Bonney canyon and perennial reaches of Agua Chiquita.

A. Designated uses: fish culture, irrigation, livestock watering, wildlife habitat, coldwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: temperature 30°C (86°F) or less, and phosphorus (unfiltered sample) less than 0.1 mg/L.

[20.6.4.208 NMAC - Rp 20 NMAC 6.1.2208, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, XX/XX/XXXX]

20.6.4.209 PECOS RIVER BASIN: [-] Perennial reaches of Eagle creek upstream of Alto dam to the Mescalero Apache boundary, perennial reaches of the Rio Bonito upstream of state highway 48 (near Angus) excluding Bonito lake, ~~and its~~ perennial reaches of tributaries to the Rio Bonito upstream of state highway 48 (near Angus)[-], ~~and~~ perennial reaches of the Rio Ruidoso upstream of the U.S. highway 70 bridge near Seeping Springs lakes[₅] above and below the Mescalero Apache boundary and ~~its~~ perennial reaches of tributaries to the Rio Ruidoso upstream of the U.S. highway 70 bridge near Seeping Springs lakes[₅] above and below the Mescalero Apache boundary.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 600 µS/cm or less in Eagle creek, 1,100 µS/cm or less in Bonito creek and 1,500 µS/cm or less in the Rio Ruidoso; phosphorus (unfiltered sample) less than 0.1 mg/L; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.209 NMAC - Rp 20 NMAC 6.1.2209, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012; A, XX/XX/XXXX]

[NOTE: The standards for Bonito lake are in 20.6.4.223 NMAC, effective 7/10/2012]

20.6.4.210 PECOS RIVER BASIN: [-] Sumner reservoir.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.210 NMAC - Rp 20 NMAC 6.1.2210, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.211 PECOS RIVER BASIN: [-] The main stem of the Pecos river from the headwaters of Sumner reservoir upstream to Tecolote creek excluding Santa Rosa reservoir.

A. Designated uses: fish culture, irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At all flows above 50 cfs: TDS 3,000 mg/L or less, sulfate 2,000 mg/L or less and chloride 400 mg/L or less.

[20.6.4.211 NMAC - Rp 20 NMAC 6.1.2211, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012]

[NOTE: The standards for Santa Rosa reservoir are in 20.6.4.225 NMAC, effective 7/10/2012]

20.6.4.212 PECOS RIVER BASIN: [-] Perennial tributaries to the main stem of the Pecos river from the headwaters of Sumner reservoir upstream to Santa Rosa dam.

A. Designated uses: irrigation, coldwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less. [20.6.4.212 NMAC - Rp 20 NMAC 6.1.2211.1, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.213 PECOS RIVER BASIN: [-] McAllister lake.

A. Designated uses: coldwater aquatic life, secondary contact, livestock watering and wildlife habitat.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less. [20.6.4.213 NMAC - Rp 20 NMAC 6.1.2211.3, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.214 PECOS RIVER BASIN: [-] Storrie lake.

A. Designated uses: coldwater aquatic life, warmwater aquatic life, primary contact, livestock watering, wildlife habitat, public water supply and irrigation storage.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. [20.6.4.214 NMAC - Rp 20 NMAC 6.1.2211.5, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.215 PECOS RIVER BASIN: [-] Perennial reaches of the Gallinas river upstream of the diversion for the Las Vegas municipal reservoir, [and all its]perennial reaches of tributaries to the Gallinas river upstream of the diversion for the Las Vegas municipal reservoir, perennial reaches of Tecolote creek upstream of Blue creek[,] and all perennial reaches of tributaries [øf]to Tecolote creek upstream of Blue creek.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat, industrial water supply and primary contact; and public water supply on the Gallinas river.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less (450 µS/cm or less in Wright Canyon creek); the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.215 NMAC - Rp 20 NMAC 6.1.2212, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 2/13/2018; A, XX/XX/XXXX]

[NOTE: This segment was divided effective 2/13/2018. The standards for Tecolote creek from I-25 to Blue creek are under 20.6.4.230 NMAC.]

20.6.4.216 PECOS RIVER BASIN: [-] The main stem of the Pecos river from Tecolote creek upstream to Cañon de Manzanita.

A. Designated uses: irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 30°C (86°F) or less.

(2) At all flows above 10 cfs: TDS 250 mg/L or less, sulfate 25 mg/L or less and chloride 5 mg/L or less.

[20.6.4.216 NMAC - Rp 20 NMAC 6.1.2213, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.217 PECOS RIVER BASIN: [-] Perennial reaches of Cow creek and all perennial reaches of its tributaries and the main stem of the Pecos river from Cañon de Manzanita upstream to its headwaters, including perennial reaches of all tributaries thereto except lakes identified in 20.6.4.222 NMAC.

A. Designated uses: domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. [20.6.4.217 NMAC - Rp 20 NMAC 6.1.2214, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012]

[NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for the additional segments are under 20.6.4.220 and 20.6.4.221 NMAC.]

20.6.4.218 PECOS RIVER BASIN: [-] Lower Tansil lake and Lake Carlsbad.

A. Designated uses: industrial water supply, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 34°C (93.2°F) or less. [20.6.4.218 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.219 PECOS RIVER BASIN: [-] Avalon reservoir.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, secondary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses. [20.6.4.219 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.220 PECOS RIVER BASIN: [-] Perennial reaches of the Gallinas river and ~~its~~perennial reaches of tributaries to the Gallinas river from its mouth upstream to the diversion for the Las Vegas municipal reservoir, except Pecos Arroyo.

A. Designated uses: irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 30°C (86°F) or less. [20.6.4.220 NMAC - N, 5/23/2005; A, 12/1/2010; ~~A, XX/XX/XXXX~~]

20.6.4.221 PECOS RIVER BASIN: [-] Pecos Arroyo.

A. Designated uses: livestock watering, wildlife habitat, warmwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL, single sample 940 cfu/100 mL. [20.6.4.221 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.222 PECOS RIVER BASIN: [-] Johnson lake, Katherine lake, Lost Bear lake, Pecos Baldy lake, Spirit lake, Stewart lake and Truchas lakes (north and south).

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. [20.6.4.222 NMAC - N, 7/10/2012]

20.6.4.223 PECOS RIVER BASIN: [-] Bonito lake.

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering, wildlife habitat and public water supply.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: specific conductance 1100 µS/cm or less;

phosphorus (unfiltered sample) less than 0.1 mg/L; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.223 NMAC - N, 7/10/2012]

20.6.4.224 PECOS RIVER BASIN: [-] Monastery lake.

A. Designated uses: coolwater aquatic life, primary contact, livestock watering and wildlife habitat.
B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.
[20.6.4.224 NMAC - N, 7/10/2012]

20.6.4.225 PECOS RIVER BASIN: [-] Santa Rosa reservoir.

A. Designated uses: coolwater aquatic life, irrigation, primary contact, livestock watering and wildlife habitat.
B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.
[20.6.4.225 NMAC - N, 7/10/2012]

20.6.4.226 PECOS RIVER BASIN: [-] Perch lake.

A. Designated uses: coolwater aquatic life, primary contact, livestock watering and wildlife habitat.
B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.226 NMAC - N, 7/10/2012]

20.6.4.227 PECOS RIVER BASIN: [-] Lea lake.

A. Designated uses: warmwater aquatic life, primary contact and wildlife habitat.
B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.227 NMAC - N, 7/10/2012]

20.6.4.228 PECOS RIVER BASIN: [-] Cottonwood lake and Devil's Inkwell.

A. Designated uses: coolwater aquatic life, primary contact and wildlife habitat.
B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.
[20.6.4.228 NMAC - N, 7/10/2012]

20.6.4.229 PECOS RIVER BASIN: [-] Mirror lake.

A. Designated uses: warmwater aquatic life, primary contact and wildlife habitat.
B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.
[20.6.4.229 NMAC - N, 7/10/2012]

20.6.4.230 PECOS RIVER BASIN: [-] Perennial reaches of Tecolote creek from I-25 to Blue creek.

A. Designated uses: domestic water supply, coolwater aquatic life, irrigation, livestock watering, wildlife habitat, and primary contact.
B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.230 NMAC - N, 2/13/2018]

20.6.4.231 PECOS RIVER BASIN: The main stem of the Pecos river from the headwaters of Brantley reservoir upstream to Salt creek (near Acme), perennial reaches of the Rio Peñasco downstream from state

highway 24 near Dunken, perennial reaches of North Spring river and perennial reaches of the Rio Hondo downstream of Bonney canyon.

A. Designated uses: irrigation, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At all flows above 50 cfs: TDS 14,000 mg/L or less, sulfate 3,000 mg/L or less and chloride 6,000 mg/L or less.

[N. XX/XX/XXXX]

~~[20.6.4.231]~~20.6.4.232 - 20.6.4.300 [RESERVED]

20.6.4.301 CANADIAN RIVER BASIN: [-] The main stem of the Canadian river from the New Mexico-Texas line upstream to Ute dam, and any flow that enters the main stem from Revuelto creek.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) TDS 6,500 mg/L or less at flows above 25 cfs.

[20.6.4.301 NMAC - Rp 20 NMAC 6.1.2301, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.302 CANADIAN RIVER BASIN: [-] Ute reservoir.

A. Designated uses: livestock watering, wildlife habitat, public water supply, industrial water supply, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the

designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.302 NMAC - Rp 20 NMAC 6.1.2302, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.303 CANADIAN RIVER BASIN: [-] The main stem of the Canadian river from the headwaters of Ute reservoir upstream to Conchas dam, the perennial reaches of Pajarito and Ute creeks and their perennial tributaries.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the

designated uses.

[20.6.4.303 NMAC - Rp 20 NMAC 6.1.2303, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.304 CANADIAN RIVER BASIN: [-] Conchas reservoir.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, public water supply, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.304 NMAC - Rp 20 NMAC 6.1.2304, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.305 CANADIAN RIVER BASIN: The main stem of the Canadian river from the headwaters of Conchas reservoir upstream to the New Mexico-Colorado line, perennial reaches of the Conchas river, the Mora river downstream from the USGS gaging station near Shoemaker, the Vermejo river downstream from Rail canyon and perennial reaches of Raton, Chicorica (except Lake Maloya and Lake Alice) and Uña de Gato creeks.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) TDS 3,500 mg/L or less at flows above 10 cfs.

[20.6.4.305 NMAC - Rp 20 NMAC 6.1.2305, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

[NOTE: This segment was divided effective 12/1/2010. The standards for Lake Alice and Lake Maloya are under 20.6.4.311 and 20.6.4.312 NMAC, respectively.]

20.6.4.306 CANADIAN RIVER BASIN: [-] The Cimarron river downstream from state highway 21 in Cimarron to the Canadian river and all perennial reaches of tributaries to the Cimarron river downstream from state highway 21 in Cimarron.

A. Designated uses: irrigation, warmwater aquatic life, livestock watering, wildlife habitat and primary contact; and public water supply on Cimarroncito creek.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) TDS 3,500 mg/L or less at flows above 10 cfs.

[20.6.4.306 NMAC - Rp 20 NMAC 6.1.2305.1, 10/12/2000; A, 7/19/2001; A, 5/23/2005; A, 12/1/2010]

20.6.4.307 CANADIAN RIVER BASIN: [-] Perennial reaches of the Mora river from the USGS gaging station near Shoemaker upstream to the state highway 434 bridge in Mora, all perennial reaches of tributaries to the Mora river downstream from the USGS gaging station at La Cueva in San Miguel and Mora counties except lakes identified in 20.6.4.313 NMAC, perennial reaches of Ocate creek downstream of Ocate, [and its]perennial reaches of tributaries to Ocate creek downstream of Ocate, and perennial reaches of Rayado creek downstream of Miami lake diversion in Colfax county.

A. Designated uses: marginal coldwater aquatic life, warmwater aquatic life, primary contact, irrigation, livestock watering and wildlife habitat.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.307 NMAC - Rp 20 NMAC 6.1.2305.3, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012; A, XX/XX/XXXX]

20.6.4.308 CANADIAN RIVER BASIN: [-] Charette lakes.

A. Designated uses: coldwater aquatic life, warmwater aquatic life, secondary contact, livestock watering and wildlife habitat.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.308 NMAC - Rp 20 NMAC 6.1.2305.5, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.309 CANADIAN RIVER BASIN: [-] The Mora river and perennial reaches of its tributaries upstream from the state highway 434 bridge in Mora except lakes identified in 20.6.4.313 NMAC, all perennial reaches of tributaries to the Mora river upstream from the USGS gaging station at La Cueva, perennial reaches of Coyote creek, [and its]perennial reaches of tributaries to Coyote creek, the Cimarron river above state highway 21 in Cimarron, [and its]perennial reaches of tributaries to the Cimarron river above state highway 21 in Cimarron except Eagle Nest lake, all perennial reaches of tributaries to the Cimarron river north and northwest of highway 64 except north and south Shuree ponds, perennial reaches of Rayado creek above Miami lake diversion, [and its]perennial reaches of tributaries to Rayado creek above Miami lake diversion, Ocate creek and perennial reaches of its tributaries upstream of Ocate, perennial reaches of the Vermejo river upstream from Rail canyon and all other perennial reaches of tributaries to the Canadian river northwest and north of U.S. highway 64 in Colfax county unless included in other segments.

A. Designated uses: domestic water supply, irrigation, high quality coldwater aquatic life, livestock watering, wildlife habitat, and primary contact; and public water supply on the Cimarron river upstream from Cimarron, [and-]on perennial reaches of Rayado creek and on perennial reaches of [its-]tributaries to Rayado creek.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 500 μ S/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.309 NMAC - Rp 20 NMAC 6.1.2306, 10/12/2000; A, 7/19/2001; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012; [A. XX/XX/XXXX](#)]

[NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.310 NMAC. The standards for Shuree ponds are in 20.6.4.314 NMAC and the standards for Eagle Nest lake are in 20.6.4.315 NMAC, effective 7/10/2012]

20.6.4.310 CANADIAN RIVER BASIN: [-] Perennial reaches of Corruppa creek.

A. Designated uses: livestock watering, wildlife habitat, irrigation, primary contact and coldwater aquatic life.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: temperature 25°C (77°F) or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

(2) TDS 1,200 mg/L or less, sulfate 600 mg/L or less, chloride 40 mg/L or less.

[20.6.4.310 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.311 CANADIAN RIVER BASIN: Lake Alice.

A. Designated uses: marginal coldwater aquatic life, irrigation, livestock watering, wildlife habitat, primary contact and public water supply.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.311 NMAC - N, 12/1/2010; [A. XX/XX/XXXX](#)]

20.6.4.312 CANADIAN RIVER BASIN: Lake Maloya.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat, primary contact and public water supply.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.312 NMAC - N, 12/1/2010; [A. XX/XX/XXXX](#)]

20.6.4.313 CANADIAN RIVER BASIN: [-] Encantada lake, Maestas lake, Middle Fork lake of Rio de la Casa, North Fork lake of Rio de la Casa and Pacheco lake.

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.313 NMAC - N, 7/10/2012]

20.6.4.314 CANADIAN RIVER BASIN: [-] Shuree ponds (north and south).

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: specific conductance 500 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.314 NMAC - N, 7/10/2012]

20.6.4.315 CANADIAN RIVER BASIN: [-] Eagle Nest lake.

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering, wildlife habitat and public water supply.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: specific conductance 500 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.315 NMAC - N, 7/10/2012]

20.6.4.316 CANADIAN RIVER BASIN: [-] Clayton lake.

A. Designated uses: coolwater aquatic life, primary contact, livestock watering and wildlife habitat.
B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.
[20.6.4.316 NMAC - N, 7/10/2012]

20.6.4.317 CANADIAN RIVER BASIN: Springer lake.

A. Designated uses: coolwater aquatic life, irrigation, primary contact, livestock watering, wildlife habitat, and public water supply.
B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.
[20.6.4.317 NMAC - N, 07-10-2012; A, 3/2/2017]

20.6.4.318 CANADIAN RIVER BASIN: Doggett creek.

A. Designated uses: Warm water aquatic life, livestock watering, wildlife habitat and primary contact.
B. Criteria: The use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following site-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

C. Discharger-specific temporary standard:

- (1) **Discharger:** City of Raton wastewater treatment plant
- (2) **NPDES permit number:** NM0020273, Outfall 001
- (3) **Receiving waterbody:** Doggett creek, 20.6.4.318 NMAC
- (4) **Discharge latitude/longitude:** 36° 52' 13.91" N / 104° 25' 39.18" W
- (5) **Pollutant(s):** nutrients; total nitrogen and total phosphorus
- (6) **Factor of issuance:** substantial and widespread economic and social impacts (40 CFR 131.10(g)(6))
- (7) **Highest attainable condition:** interim effluent condition of 8.0 mg/L total nitrogen and 1.6 mg/L total phosphorus as 30-day averages. The highest attainable condition shall be either the highest attainable condition identified at the time of the adoption, or any higher attainable condition later identified during any reevaluation, whichever is more stringent (40 CFR 131.14(b)(1)(iii)).
- (8) **Effective date of temporary standard:** This temporary standard becomes effective for Clean Water Act purposes on the date of EPA approval.
- (9) **Expiration date of temporary standard:** no later than 20 years from the effective date.
- (10) **Reevaluation period:** at each succeeding review of water quality standards and at least once every five years from the effective date of the temporary standard ([Paragraph \(8\) of Subsection H of 20.6.4.10\[-F-\(8\)\] NMAC](#), 40 CFR 131.14(b)(1)(v)). If the discharger cannot demonstrate that sufficient progress has been made the commission may revoke approval of the temporary standard or provide additional conditions to the approval of the temporary standard. If the reevaluation is not completed at the frequency specified or the Department does not submit the reevaluation to EPA within 30 days of completion, the underlying designated use and criterion will be the applicable water quality standard for Clean Water Act purposes until the Department completes and submits the reevaluation to EPA. Public input on the reevaluation will be invited during NPDES permit renewals or triennial reviews, as applicable, in accordance with the State's most current approved water quality management plan and continuing planning process.
- (11) **Timeline for proposed actions.** Tasks and target completion dates are listed in the most recent, WQCC-approved version of the New Mexico Environment Department, Surface Water Quality Bureau's "Nutrient Temporary Standards for City of Raton Wastewater Treatment Plant, NPDES No. NM0020273 to Doggett Creek."

[20.6.4.318 NMAC - N, 05/22/2020; [A. XX/XX/XXXX](#)]

20.6.4.319 - 20.6.4.400 [RESERVED]

20.6.4.401 SAN JUAN RIVER BASIN: [-] The main stem of the San Juan river from the Navajo Nation boundary at the Hogback upstream to its confluence with the Animas river. Some waters in this segment are under the joint jurisdiction of the state and the Navajo Nation.

A. Designated uses: public water supply, industrial water supply, irrigation, livestock watering, wildlife habitat, primary contact, marginal coldwater aquatic life and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 32.2°C (90°F) or less. [20.6.4.401 NMAC - Rp 20 NMAC 6.1.2401, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

[NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.408 NMAC.]

20.6.4.402 SAN JUAN RIVER BASIN: [-] La Plata river from its confluence with the San Juan river upstream to the New Mexico-Colorado line.

A. Designated uses: irrigation, marginal warmwater aquatic life, marginal coldwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 32.2°C (90°F) or less. [20.6.4.402 NMAC - Rp 20 NMAC 6.1.2402, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.403 SAN JUAN RIVER BASIN: The Animas river from its confluence with the San Juan river upstream to Estes arroyo.

A. Designated uses: Public water supply, industrial water supply, irrigation, livestock watering, wildlife habitat, coolwater aquatic life, and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 29°C (84.2°F) or less. [20.6.4.403 NMAC - Rp 20 NMAC 6.1.2403, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.404 SAN JUAN RIVER BASIN: The Animas river from Estes arroyo upstream to the Southern Ute Indian tribal boundary.

A. Designated uses: Coolwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply, industrial water supply and primary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: phosphorus (unfiltered sample) 0.1 mg/L or less.

[20.6.4.404 NMAC - Rp 20 NMAC 6.1.2404, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.405 SAN JUAN RIVER BASIN: [-] The main stem of the San Juan river from ~~Canyon~~Cañon Largo upstream to the Navajo dam.

A. Designated uses: high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply, industrial water supply and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 400 µS/cm or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.405 NMAC - Rp 20 NMAC 6.1.2405, 10/12/2000; A, 5/23/2005; A, 12/1/2010; ~~A, XX/XX/XXXX~~]

20.6.4.406 SAN JUAN RIVER BASIN: [-] Navajo reservoir in New Mexico.

A. Designated uses: coldwater aquatic life, warmwater aquatic life, irrigation storage, livestock watering, wildlife habitat, public water supply, industrial water supply and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: phosphorus (unfiltered sample) 0.1 mg/L or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.406 NMAC - Rp 20 NMAC 6.1.2406, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.407 SAN JUAN RIVER BASIN: [-] Perennial reaches of the Navajo river from the Jicarilla Apache reservation boundary to the Colorado border and perennial reaches of Los Pinos river in New Mexico.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, public water supply, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: phosphorus (unfiltered sample) 0.1 mg/L or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.407 NMAC - Rp 20 NMAC 6.1.2407, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.408 SAN JUAN RIVER BASIN: [-] The main stem of the San Juan river from its confluence with the Animas river upstream to its confluence with [Canyon]Cañon Largo.

A. Designated uses: public water supply, industrial water supply, irrigation, livestock watering, wildlife habitat, primary contact, marginal coldwater aquatic life and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 32.2°C (90°F) or less.

[20.6.4.408 NMAC - N, 5/23/2005; A, 12/1/2010; ~~A, XX/XX/XXXX~~]

20.6.4.409 SAN JUAN RIVER BASIN: [-] Lake Farmington.

A. Designated uses: public water supply, wildlife habitat, livestock watering, primary contact, coldwater aquatic life and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.

[20.6.4.409 NMAC - N, 12/1/2010]

20.6.4.410 SAN JUAN RIVER BASIN: [-] Jackson lake.

A. Designated uses: coolwater aquatic life, irrigation, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.410 NMAC - N, 7/10/2012]

20.6.4.411 - 20.6.4.450: [RESERVED]

20.6.4.451 LITTLE COLORADO RIVER BASIN: [-] The Rio Nutria upstream of the Zuni pueblo boundary, Tampico draw, Agua Remora, Tampico springs.

A. Designated uses: coolwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.451 NMAC - N, 12/1/2010]

20.6.4.452 LITTLE COLORADO RIVER BASIN: [-] Ramah lake.

A. Designated uses: coldwater aquatic life, warmwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.

[20.6.4.452 NMAC - N, 12/1/2010]

20.6.4.453 LITTLE COLORADO RIVER BASIN: [-] Quemado lake.

A. Designated uses: coolwater aquatic life, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.453 NMAC - N, 7/10/2012]

20.6.4.454 - 20.6.4.500 [RESERVED]

20.6.4.501 GILA RIVER BASIN: [-] The main stem of the Gila river from the New Mexico-Arizona line upstream to Redrock canyon and perennial reaches of streams in Hidalgo county.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.501 NMAC - Rp 20 NMAC 6.1.2501, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.502 GILA RIVER BASIN: The main stem of the Gila river from Redrock canyon upstream to the confluence of the West Fork Gila river and East Fork Gila river and perennial reaches of tributaries to the Gila river downstream of Mogollon creek.

A. Designated uses: industrial water supply, irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: 28°C (82.4°F) or less.

[20.6.4.502 NMAC - Rp 20 NMAC 6.1.2502, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.503 GILA RIVER BASIN: All perennial tributaries to the Gila river upstream of and including Mogollon creek.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance of 400 µS/cm or less for all perennial tributaries except West Fork Gila and tributaries thereto, specific conductance of 300 µS/cm or less; 32.2°C (90°F) or less in the east fork of the Gila river and Sapillo creek downstream of Lake Roberts; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.503 NMAC - Rp 20 NMAC 6.1.2503, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.504 GILA RIVER BASIN: [-] Wall lake, Lake Roberts and Snow lake.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: specific conductance 300 µS/cm or less.

[20.6.4.504 NMAC - Rp 20 NMAC 6.1.2504, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

[NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.806 NMAC.]

20.6.4.505 GILA RIVER BASIN: [-] Bill Evans lake.

A. Designated uses: coolwater aquatic life, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.505 NMAC - N, 7/10/2012]

20.6.4.506 - 20.6.4.600 [RESERVED]

20.6.4.601 SAN FRANCISCO RIVER BASIN: [-] The main stem of the San Francisco river from the New Mexico-Arizona line upstream to state highway 12 at Reserve and perennial reaches of Mule creek.

A. Designated uses: irrigation, marginal warmwater and marginal coldwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.601 NMAC - Rp 20 NMAC 6.1.2601, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.602 SAN FRANCISCO RIVER BASIN: [-] The main stem of the San Francisco river from state highway 12 at Reserve upstream to the New Mexico-Arizona line.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less. [20.6.4.602 NMAC - Rp 20 NMAC 6.1.2602, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.603 SAN FRANCISCO RIVER BASIN: [-] All perennial reaches of tributaries to the San Francisco river above the confluence of Whitewater creek and including Whitewater creek.

A. Designated uses: domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 400 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less; and temperature 25°C (77°F) or less in Tularosa creek.

[20.6.4.603 NMAC - Rp 20 NMAC 6.1.2603, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.604 - 20.6.4.700 [RESERVED]

20.6.4.701 DRY CIMARRON RIVER: [-] Perennial portions of the Dry Cimarron river above Oak creek and perennial reaches of Oak creek.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: temperature 25°C (77°F) or less, the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

(2) TDS 1,200 mg/L or less, sulfate 600 mg/L or less and chloride 40 mg/L or less.

[20.6.4.701 NMAC - Rp 20 NMAC 6.1.2701, 10/12/2000; A, 5/23/2005 A, 12/1/2010]

[NOTE: The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.702 NMAC.]

20.6.4.702 DRY CIMARRON RIVER: [-] Perennial portions of the Dry Cimarron river below Oak creek, and perennial portions of Long canyon and Carrizozo creeks.

A. Designated uses: coolwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

(2) TDS 1,200 mg/L or less, sulfate 600 mg/L or less and chloride 40 mg/L or less.

[20.6.4.702 NMAC - N, 5/23/2005; A, 12/1/2010; A, 7/10/2012]

20.6.4.703 - 20.6.4.800 [RESERVED]

20.6.4.801 CLOSED BASINS: [-] Rio Tularosa upstream of the old U.S. highway 70 bridge crossing east of Tularosa and all perennial tributaries to the Tularosa basin except Three Rivers and Dog Canyon creek, and excluding waters on the Mescalero tribal lands.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.801 NMAC - Rp 20 NMAC 6.1.2801, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 2/13/2018]

[NOTE: This segment was divided effective 2/13/2018. The standards for Dog Canyon creek are under 20.6.4.810 NMAC.]

20.6.4.802 CLOSED BASINS: [-] Perennial reaches of Three Rivers.

A. Designated uses: irrigation, domestic water supply, high quality coldwater aquatic life, primary contact, livestock watering and wildlife habitat.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 500 μ S/cm or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. [20.6.4.802 NMAC - Rp 20 NMAC 6.1.2802, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.803 CLOSED BASINS: Perennial reaches of the Mimbres river downstream of the confluence with Allie canyon and all perennial reaches of tributaries thereto.

A. Designated uses: Coolwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less and temperature of 30°C (86°F) or less. [20.6.4.803 NMAC - Rp 20 NMAC 6.1.2803, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.804 CLOSED BASINS: Perennial reaches of the Mimbres river upstream of the confluence with Allie canyon to Cooney canyon, and all perennial reaches of East Fork Mimbres (McKnight canyon) downstream of the fish barrier, and all perennial reaches thereto.

A. Designated uses: Irrigation, domestic water supply, coldwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. [20.6.4.804 NMAC - Rp 20 NMAC 6.1.2804, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 02-28-2018; A, 3/2/2017]

[NOTE: The segment covered by this section was divided effective 3/2/2017. The standards for the additional segment are covered under 20.6.4.807 NMAC.]

20.6.4.805 CLOSED BASINS: [-] Perennial reaches of the Sacramento river (Sacramento-Salt Flat closed basin) and all perennial tributaries thereto.

A. Designated uses: domestic water supply, livestock watering, wildlife habitat, marginal coldwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses. [20.6.4.805 NMAC - Rp 20 NMAC 6.1.2805, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.806 CLOSED BASINS: [-] Bear canyon reservoir.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: specific conductance 300 μ S/cm or less. [20.6.4.806 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.807 CLOSED BASINS: Perennial reaches of the Mimbres river upstream of Cooney canyon and all perennial reaches thereto, including perennial reaches of East Fork Mimbres river (McKnight canyon) upstream of the fish barrier.

A. Designated uses: Irrigation, domestic water supply, high quality coldwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less. [20.6.4.807 NMAC - N, 3/2/2017]

20.6.4.808 CLOSED BASINS: Perennial and intermittent watercourses within Smelter Tailing Soils Investigation Unit lands at the Chino mines company, excluding those ephemeral waters listed in 20.6.4.809 NMAC and including, but not limited to [] the mainstem of Lampbright draw, beginning at the confluence of Lampbright Draw with Rustler canyon, all tributaries that originate west of Lampbright draw to the intersection of Lampbright draw with U.S. 180, and all tributaries of Whitewater creek that originate east of Whitewater creek from the confluence of Whitewater creek with Bayard canyon downstream to the intersection of Whitewater creek with U.S. 180.

A. Designated uses: Warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the acute and chronic aquatic life criteria for copper set forth in Subsection I of 20.6.4.900 NMAC shall be determined by multiplying that criteria by the water effect ratio (“WER”) adjustment expressed by the following equation:

$$WER = \frac{[10^{0.588+(0.703 \times \log \text{DOC})+(0.395 \times \log \text{Alkalinity})}] \times \left(\frac{100}{\text{Hardness}}\right)^{0.9422}}{19.31}$$

For purposes of this section, dissolved organic carbon (DOC) is expressed in units of milligrams carbon per liter or mg C/L; alkalinity is expressed in units of mg/L as CaCO₃, and hardness is expressed in units of mg/L as CaCO₃. In waters that contain alkalinity concentrations greater than 250 mg/L, a value of 250 mg/L shall be used in the equation. In waters that contain DOC concentrations greater than 16 mg C/L, a value of 16 mg C/L shall be used in the equation. In waters that contain hardness concentrations greater than 400 mg/L, a value of 400 mg/L shall be used in the equation. The alkalinity, hardness and DOC concentrations used to calculate the WER value are those measured in the subject water sample.

[20.6.4.808 NMAC - N, 3/2/2017]

20.6.4.809 CLOSED BASINS: Ephemeral watercourses within smelter tailing soils investigation unit lands at the Chino mines company, limited to Chino mines property subwatershed drainage A and tributaries thereof, Chino mines property subwatershed drainage B and tributaries thereof (excluding the northwest tributary containing Ash spring and the Chiricahua leopard frog critical habitat transect); Chino mines property subwatershed drainage C and tributaries thereof (excluding reaches containing Bolton spring, the Chiricahua leopard frog critical habitat transect and all reaches in subwatershed C that are upstream of the Chiricahua leopard frog critical habitat); subwatershed drainage D and tributaries thereof (drainages D-1, D-2 and D-3, excluding the southeast tributary in drainage D1 that contains Brown spring) and subwatershed drainage E and all tributaries thereof (drainages E-1, E-2 and E-3).

A. Designated uses: Limited aquatic life, livestock watering, wildlife habitat and secondary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the acute aquatic life criteria for copper set forth in Subsection I of 20.6.4.900 NMAC shall be determined by multiplying that criteria by the water effect ratio (“WER”) adjustment expressed by the following equation:

$$WER = \frac{[10^{0.588+(0.703 \times \log \text{DOC})+(0.395 \times \log \text{Alkalinity})}] \times \left(\frac{100}{\text{Hardness}}\right)^{0.9422}}{19.31}$$

For purposes of this section, dissolved organic carbon (DOC) is expressed in units of milligrams carbon per liter or mg C/L; alkalinity is expressed in units of mg/L as CaCO₃, and hardness is expressed in units of mg/L as CaCO₃. In waters that contain alkalinity concentrations greater than 250 mg/L, a value of 250 mg/L shall be used in the equation. In waters that contain DOC concentrations greater than 16 mg C/L, a value of 16 mg C/L shall be used in the equation. In waters that contain hardness concentrations greater than 400 mg/L, a value of 400 mg/L shall be used in the equation. The alkalinity, hardness and DOC concentrations used to calculate the WER value are those measured in the subject water sample.

[20.6.4.809 NMAC - N, 3/2/2017]

20.6.4.810 CLOSED BASINS: Perennial reaches of Dog Canyon creek.

A. Designated uses: coolwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply, and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.810 NMAC - N, 2/13/2018]

20.6.4.811 - 20.6.4.899 [RESERVED]

20.6.4.900 CRITERIA APPLICABLE TO EXISTING, DESIGNATED OR ATTAINABLE USES UNLESS OTHERWISE SPECIFIED IN 20.6.4.97 THROUGH 20.6.4.899 NMAC:

A. Fish culture and water supply: Fish culture, public water supply and industrial water supply are designated uses in particular classified waters of the state where these uses are actually being realized. However, no numeric criteria apply uniquely to these uses. Water quality adequate for these uses is ensured by the general criteria and numeric criteria for bacterial quality, pH and temperature.

B. Domestic water supply: Surface waters of the state designated for use as domestic water supplies shall not contain substances in concentrations that create a lifetime cancer risk of more than one cancer per 100,000 exposed persons. Those criteria listed under domestic water supply in Subsection J of this section apply to this use.

C. Irrigation and irrigation storage: the following numeric criteria and those criteria listed under irrigation in Subsection J of this section apply to this use:

- (1) dissolved selenium 0.13 mg/L
- (2) dissolved selenium in presence of >500 mg/L SO₄ 0.25 mg/L.

D. Primary contact: The monthly geometric mean of *E. coli* bacteria of 126 cfu/100 mL or MPN/100 mL, ~~and~~ a single sample of *E. coli* bacteria of 410 cfu/100 mL or MPN/100 mL, a single sample of total microcystins of 8 µg/L with no more than three exceedances within a 12-month period and a single sample of cylindrospermopsin of 15 µg/L with no more than three exceedances within a 12-month period. and pH within the range of 6.6 to 9.0 apply to this use. The results for *E. coli* may be reported as either colony forming units (CFU) or the most probable number (MPN) depending on the analytical method used.

E. Secondary contact: The monthly geometric mean of *E. coli* bacteria of 548 cfu/100 mL or MPN/100 mL and single sample of 2507 cfu/100 mL or MPN/100 mL apply to this use. The results for *E. coli* may be reported as either colony forming units (CFU) or the most probable number (MPN), depending on the analytical method used.

F. Livestock watering: the criteria listed in Subsection J of this section for livestock watering apply to this use.

G. Wildlife habitat: Wildlife habitat shall be free from any substances at concentrations that are toxic to or will adversely affect plants and animals that use these environments for feeding, drinking, habitat or propagation; can bioaccumulate; or might impair the community of animals in a watershed or the ecological integrity of surface waters of the state. The numeric criteria listed in Subsection J for wildlife habitat apply to this use.

H. Aquatic life: Surface waters of the state with a designated, existing or attainable use of aquatic life shall be free from any substances at concentrations that can impair the community of plants and animals in or the ecological integrity of surface waters of the state. Except as provided in Paragraph (7) of this subsection, the acute and chronic aquatic life criteria set out in Subsections I, J, K and L of this section and the human health-organism only criteria set out in Subsection J of this section are applicable to all aquatic life use subcategories. In addition, the specific criteria for aquatic life subcategories in the following paragraphs apply to waters classified under the respective designations.

(1) **High quality coldwater:** dissolved oxygen 6.0 mg/L or more, 4T3 temperature 20°C (68°F), maximum temperature 23°C (73°F), pH within the range of 6.6 to 8.8 and specific conductance a segment-specific limit between 300 µS/cm and 1,500 µS/cm depending on the natural background in the particular surface water of the state (the intent of this criterion is to prevent excessive increases in dissolved solids which would result in changes in community structure). Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 4T3 temperature applies.

(2) **Coldwater:** dissolved oxygen 6.0 mg/L or more, 6T3 temperature 20°C (68°F), maximum temperature 24°C (75°F) and pH within the range of 6.6 to 8.8. Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.

(3) **Marginal coldwater:** dissolved oxygen 6 mg/L or more, 6T3 temperature 25°C (77°F), maximum temperature 29°C (84°F) and pH within the range from 6.6 to 9.0. Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.

(4) **Coolwater:** dissolved oxygen 5.0 mg/L or more, maximum temperature 29°C (84°F) and pH within the range of 6.6 to 9.0.

(5) **Warmwater:** dissolved oxygen 5 mg/L or more, maximum temperature 32.2°C (90°F) and pH within the range of 6.6 to 9.0. Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(6) **Marginal warmwater:** dissolved oxygen 5 mg/L or more, pH within the range of 6.6 to 9.0 and ~~maximum~~temperatures that may routinely exceed 32.2°C (90°F). Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(7) **Limited aquatic life:** The acute aquatic life criteria of Subsections I and J of this section apply to this subcategory. Chronic aquatic life criteria do not apply unless adopted on a segment-specific basis. Human health-organism only criteria apply only for persistent **toxic** pollutants unless adopted on a segment-specific basis.

I. Hardness-dependent acute and chronic aquatic life criteria for metals are calculated using the following equations. The criteria are expressed as a function of ~~dissolved~~hardness (as mg CaCO₃/L). With the exception of aluminum, the equations are valid only for ~~dissolved~~hardness concentrations of 0-400 mg/L. For ~~dissolved~~hardness concentrations above 400 mg/L, the criteria for 400 mg/L apply. For aluminum the equations are valid only for ~~dissolved~~hardness concentrations of 0-220 mg/L. For ~~dissolved~~hardness concentrations above 220 mg/L, the aluminum criteria for 220 mg/L apply. Calculated criteria must adhere to the treatment of significant figures and rounding identified in Standard Methods For The Examination Of Water And Wastewater, latest edition, American public health association.

(1) **Acute aquatic life criteria for metals:** The equation to calculate acute criteria in µg/L is $\exp(m_A[\ln(\text{hardness})] + b_A)(CF)$. Except for aluminum, the criteria are based on analysis of dissolved metal. For aluminum, the criteria are based on analysis of total recoverable aluminum in a sample that has a pH between 6.5 and 9.0 and is filtered to minimize mineral phases as specified by the department. ~~[The EPA has disapproved the hardness-based equation for total recoverable aluminum in waters where the pH is less than 6.5 in the receiving stream for federal purposes of the Clean Water Act.]~~The equation parameters are as follows:

Metal	m _A	b _A	Conversion factor (CF)
Aluminum (Al)	1.3695	1.8308	
Cadmium (Cd)	[0.8968] <u>0.9789</u>	[-3.5699] <u>-3.866</u>	1.136672-[(ln hardness)(0.041838)]
Chromium (Cr) III	0.8190	3.7256	0.316
Copper (Cu)	0.9422	-1.700	0.960
Lead (Pb)	1.273	-1.460	1.46203-[(ln hardness)(0.145712)]
Manganese (Mn)	0.3331	6.4676	
Nickel (Ni)	0.8460	2.255	0.998
Silver (Ag)	1.72	-6.59	0.85
Zinc (Zn)	0.9094	0.9095	0.978

(2) **Chronic aquatic life criteria for metals:** The equation to calculate chronic criteria in µg/L is $\exp(m_C[\ln(\text{hardness})] + b_C)(CF)$. Except for aluminum, the criteria are based on analysis of dissolved metal. For aluminum, the criteria are based on analysis of total recoverable aluminum in a sample that has a pH between 6.5 and 9.0 and is filtered to minimize mineral phases as specified by the department. ~~[The EPA has disapproved the hardness-based equation for total recoverable aluminum in waters where the pH is less than 6.5 in the receiving stream for federal purposes of the Clean Water Act.]~~The equation parameters are as follows:

Metal	m _C	b _C	Conversion factor (CF)
Aluminum (Al)	1.3695	0.9161	
Cadmium (Cd)	[0.7647] <u>0.7977</u>	[-4.2180] <u>-3.909</u>	1.101672-[(ln hardness)(0.041838)]
Chromium (Cr) III	0.8190	0.6848	0.860
Copper (Cu)	0.8545	-1.702	0.960
Lead (Pb)	1.273	-4.705	1.46203-[(ln hardness)(0.145712)]
Manganese (Mn)	0.3331	5.8743	
Nickel (Ni)	0.8460	0.0584	0.997
Zinc (Zn)	0.9094	0.6235	0.986

(3) Selected values of calculated acute and chronic criteria (µg/L).

Hardness as CaCO ₃ , dissolved (mg/L)		Al	Cd	Cr III	Cu	Pb	Mn	Ni	Ag	Zn
25 25.0	Acute	512	[0.51] 0.490	[180] 183	[4] 3.64	[14] 13.9	[1,881] 1,880	[140] 145	[0.3] 0.30	[45] 45.4
	Chronic	205	[0.17] 0.253	[24] 23.8	[3] 2.74	[1] 0.541	1,040	[16] 16.1		[34] 34.4
30 30.0	Acute	658	[0.59] 0.581	[210] 212	[4] 4.32	[17] 17.0	[1,999] 2,000	[170] 169	[0.4] 0.40	[54] 53.5
	Chronic	263	[0.19] 0.290	[28] 27.6	[3] 3.20	[1] 0.664	[1,105] 1,100	[19] 18.8		[41] 40.5
40 40.0	Acute	975	[0.76] 0.761	[270] 269	[6] 5.67	[24] 23.5	2,200	[220] 216	[0.7] 0.66	[70] 69.5
	Chronic	391	[0.23] 0.360	[35] 35.0	[4] 4.09	[1] 0.916	[1,216] 1,220	[24] 24.0		[53] 52.7
50 50.0	Acute	[1,324] 1,320	[0.91] 0.938	[320] 323	[7] 6.99	[30] 30.1	2,370	260	[1.0] 0.98	[85] 85.2
	Chronic	530	[0.28] 0.426	[42] 42.0	[5] 4.95	[1] 1.17	[1,309] 1,310	[29] 28.9		[65] 64.5
60 60.0	Acute	[1,699] 1,700	[1.07] 1.11	[370] 375	[8] 8.30	[37] 36.9	[2,519] 2,520	[300] 304	1.3	[101] 100
	Chronic	681	[0.31] 0.489	[49] 48.8	[6] 5.79	[1] 1.44	[1,391] 1,390	[34] 33.8		[76] 76.2
70 70.0	Acute	[2,099] 2,100	[1.22] 1.28	[430] 425	[10] 9.60	[44] 43.7	[2,651] 2,650	[350] 346	1.7	116
	Chronic	841	[0.35] 0.549	[55] 55.3	[7] 6.60	[2] 1.70	[1,465] 1,460	[38] 38.5		[88] 87.6
80 80.0	Acute	2,520	[1.37] 1.46	[470] 474	[11] 10.9	[51] 50.6	[2,772] 2,770	[390] 388	2.2	131
	Chronic	1,010	[0.39] 0.607	[62] 61.7	[7] 7.40	[2] 1.97	[1,531] 1,530	[43] 43.0		[99] 98.9
90 90.0	Acute	[2,961] 2,960	[1.51] 1.62	[520] 523	[12] 12.2	[58] 57.6	[2,883] 2,880	[430] 428	2.7	145
	Chronic	[1,186] 1,190	[0.42] 0.664	[68] 68.0	[8] 8.18	[2] 2.24	[1,593] 1,590	[48] 47.6		110
100	Acute	[3,421] 3,420	[1.65] 1.79	570	[13] 13.4	[65] 64.6	[2,986] 2,980	[470] 468	3.2	160
	Chronic	1,370	[0.45] 0.718	[74] 74.1	[9] 8.96	[3] 2.52	1,650	[52] 52.0		121
200	Acute	[8,838] 8,840	[2.98] 3.43	[1,010] 1,000	[26] 25.8	[140] 136	[3,761] 3,760	[840] 842	[11] 10	[301] 300
	Chronic	[3,541] 3,540	[0.75] 1.21	[130] 131	[16] 16.2	[5] 5.30	[2,078] 2,080	[90] 93.5		228
220	Acute	[10,071] 10,100	[3.23] 3.74	[1,087] 1,090	[28] 28.2	151	[3,882] 3,880	912	[13] 12	328
	Chronic	[4,035] 4,030	[0.80] 1.30	141	[18] 17.6	[6] 5.87	[2,145] 2,140	101		248
300	Acute		[4.21] 5.00	1,400	[38] 37.8	[210] 208	[4,305] 4,300	[1190] 1,190	21	[435] 434

Hardness as CaCO ₃ , dissolved (mg/L)		Al	Cd	Cr III	Cu	Pb	Mn	Ni	Ag	Zn
	Chronic		[1.00] 1.64	[180] 182	[23] 22.9	[8] 8.13	[2,379] 2,380	[130] 132		329
400 and above	Acute		[5.38] 6.54	1,770	[50] 49.6	[280] 281	[4,738] 4,740	[1510] 1,510	35	564
	Chronic		[1.22] 2.03	[230] 231	[29] 29.3	[11] 10.9	[2,618] 2,620	[170] 168		428

J. Use-specific numeric criteria.

(1) **Table of numeric criteria:** The following table sets forth the numeric criteria applicable to existing, designated and attainable uses. For metals, criteria represent the total sample fraction unless otherwise specified in the table. Additional criteria that are not compatible with this table are found in Subsections A through I, K and L of this section.

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Aluminum, dissolved	7429-90-5		5,000			750 i	87 i		
Aluminum, total recoverable	7429-90-5					a	a		
Antimony, dissolved	7440-36-0	6						640	P
Arsenic, dissolved	7440-38-2	10	100	200		340	150	9.0	C,P
Asbestos	1332-21-4	7,000,000 fibers/L							
Barium, dissolved	7440-39-3	2,000							
Beryllium, dissolved	7440-41-7	4							
Boron, dissolved	7440-42-8		750	5,000					
Cadmium, dissolved	7440-43-9	5	10	50		a	a		
<u>Chloride</u>	<u>1688-70-06</u>					<u>860,000</u>	<u>230,000</u>		
Chlorine residual	7782-50-5				11	19	11		
Chromium III, dissolved	16065-83-1					a	a		
Chromium VI, dissolved	18540-29-9					16	11		
Chromium, dissolved	7440-47-3	100	100	1,000					
Cobalt, dissolved	7440-48-4		50	1,000					
Copper, dissolved	7440-50-8	1300	200	500		a	a		
Cyanide, total recoverable	57-12-5	200			5.2	22.0	5.2	[140] 400	
<u>Iron</u>	<u>7439-89-6</u>						<u>1,000</u>		
Lead, dissolved	7439-92-1	15	5,000	100		a	a		
Manganese, dissolved	7439-96-5					a	a		
Mercury	7439-97-6	2		10	0.77				
Mercury, dissolved	7439-97-6					1.4	0.77		
Methylmercury	22967-92-6							0.3 mg/kg in fish tissue	P
Molybdenum, dissolved	7439-98-7		1,000						
Molybdenum, total recoverable	7439-98-7					7,920	1,895		
Nickel, dissolved	7440-02-0	700				a	a	4,600	P
Nitrate as N		10 mg/L							
Nitrite + Nitrate				132 mg/L					
Selenium, dissolved	7782-49-2	50	b	50				4,200	P

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Selenium, total recoverable	7782-49-2				5.0	20.0	5.0		
Silver, dissolved	7440-22-4					a			
Thallium, dissolved	7440-28-0	2						0.47	P
Uranium, dissolved	7440-61-1	30							
Vanadium, dissolved	7440-62-2		100	100					
Zinc, dissolved	7440-66-6	10,500	2,000	25,000		a	a	26,000	P
Adjusted gross alpha Radium 226 + Radium 228		15 pCi/L		15 pCi/L					
Strontium 90		5 pCi/L		30.0 pCi/L					
Tritium		8 pCi/L							
Acenaphthene	83-32-9	2,100		20,000 pCi/L					
Acrolein	107-02-8	18				<u>3.0</u>	<u>3.0</u>	<u>[990] 90</u>	
Acrylonitrile	107-13-1	0.65						<u>[9] 400</u>	
Aldrin	309-00-2	0.021				3.0		<u>[2.5] 70</u>	C
Anthracene	120-12-7	10,500						<u>[0.00050] 0.0000077</u>	C,P
Benzene	71-43-2	5						<u>[40,000] 400</u>	
Benzdine	92-87-5	0.0015						<u>[540] 160</u>	C
Benzo(a)anthracene	56-55-3	0.048						<u>[0.0020] 0.11</u>	C
Benzo(a)pyrene	50-32-8	0.2						<u>[0.18] 0.013</u>	C
Benzo(b)fluoranthene	205-99-2	0.048						<u>[0.18] 0.0013</u>	C,P
Benzo(k)fluoranthene	207-08-9	0.048						<u>[0.18] 0.13</u>	C
alpha-BHC	319-84-6	0.056						<u>[0.049] 0.0039</u>	C
beta-BHC	319-85-7	0.091						<u>[0.17] 0.14</u>	C
[G] gamma-BHC (Lindane)	58-89-9	0.20				0.95		<u>[1.8] 4.4</u>	
Bis(2-chloroethyl) ether	111-44-4	0.30						<u>[5.3] 22</u>	C
Bis([2-chloroisopropyl] 2-chloro-1-methylethyl) ether	108-60-1	1,400						<u>[65,000] 4,000</u>	
Bis(2-ethylhexyl) phthalate	117-81-7	6						<u>[22] 3.7</u>	C
Bis(chloromethyl) ether	542-88-1							<u>0.17</u>	<u>C</u>
Bromoform	75-25-2	44						<u>[1,400] 1,200</u>	C
Butylbenzyl phthalate	85-68-7	7,000						<u>[1,900] 1</u>	<u>C</u>
Carbaryl	63-25-2					<u>2.1</u>	<u>2.1</u>		
Carbon tetrachloride	56-23-5	5						<u>[16] 50</u>	C

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Chlordane	57-74-9	2				2.4	0.0043	[0.0084] 0.0032	C,P
Chlorobenzene	108-90-7	100						[1,600] 800	
Chlorodibromomethane	124-48-1	4.2						[130] 210	C
Chloroform	67-66-3	57						[4,700] 2,000	[€]
<u>Chlorpyrifos</u>	<u>2921-88-2</u>					0.083	0.041		
2-Chloronaphthalene	91-58-7	2,800						[1,600] 1,000	
2-Chlorophenol	95-57-8	175						[150] 800	
Chrysene	218-01-9	0.048						[0.18] 1.3	C
<u>Demeton</u>	<u>8065-48-3</u>						0.1		
Diazinon	333-41-5					0.17	0.17		
<u>2,4-Dichlorophenoxyacetic acid</u>	<u>94-75-7</u>							12,000	
<u>Dichlorodiphenyldichloroethane (DDD)</u>	<u>72-54-8</u>							0.0012	C
<u>Dichlorodiphenyldichloroethylene (DDE)</u>	<u>72-55-9</u>							0.00018	C
<u>Dichlorodiphenyltrichloroethane (DDT)</u>	<u>50-29-3</u>							0.0003	C,P
4,4'-DDT and derivatives		1.0			0.001	1.1	0.001	[0.0022]	[C,P]
Dibenzo(a,h)anthracene	53-70-3	0.048						[0.18] 0.0013	C
Dibutyl phthalate	84-74-2	3,500						[4,500] 30	
1,2-Dichlorobenzene	95-50-1	600						[1,300] 3,000	
1,3-Dichlorobenzene	541-73-1	469						[960] 10	
1,4-Dichlorobenzene	106-46-7	75						[190] 900	
3,3'-Dichlorobenzidine	91-94-1	0.78						[0.28] 1.5	C
Dichlorobromomethane	75-27-4	5.6						[170] 270	C
1,2-Dichloroethane	107-06-2	5						[370] 6,500	C
1,1-Dichloroethylene	75-35-4	7						[7,100] 20,000	[€]
2,4-Dichlorophenol	120-83-2	105						[290] 60	
1,2-Dichloropropane	78-87-5	5.0						[150] 310	C
1,3-Dichloropropene	542-75-6	3.5						[210] 120	C
Dieldrin	60-57-1	0.022				0.24	0.056	[0.00054] 0.000012	C,P
Diethyl phthalate	84-66-2	28,000						[44,000] 600	
Dimethyl phthalate	131-11-3	350,000						[1,100,000]] 2,000	
2,4-Dimethylphenol	105-67-9	700						[850] 3,000	
<u>Dinitrophenols</u>	<u>25550-58-7</u>							1,000	
2,4-Dinitrophenol	51-28-5	70						[5,300] 300	

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
2,4-Dinitrotoluene	121-14-2	1.1						[34] 17	C
Dioxin	<u>1746-01-6</u>	3.0E-05						5.1E-08	C,P
1,2-Diphenylhydrazine	122-66-7	0.44						2.0	C
alpha-Endosulfan	959-98-8	62				0.22	0.056	[89] 30	
beta-Endosulfan	33213-65-9	62				0.22	0.056	[89] 40	
Endosulfan sulfate	1031-07-8	62						[89] 40	
Endrin	72-20-8	2				0.086	0.036	[0.069] 0.03	
Endrin aldehyde	7421-93-4	10.5						[0.39] 1	
Ethylbenzene	100-41-4	700						[2,100] 130	
Fluoranthene	206-44-0	1,400						[140] 20	
Fluorene	86-73-7	1,400						[5,300] 70	
<u>Guthion</u>	<u>86-50-0</u>						0.01		
Heptachlor	76-44-8	0.40				0.52	0.0038	[0.00079] 0.000059	C
Heptachlor epoxide	1024-57-3	0.20				0.52	0.0038	[0.00039] 0.00032	C
Hexachlorobenzene	118-74-1	1						[0.0029] 0.00079	C,P
Hexachlorobutadiene	87-68-3	4.5						[180] 0.1	C
<u>Hexachlorocyclohexane (HCH)-Technical</u>	<u>608-73-1</u>							0.1	C
Hexachlorocyclopentadiene	77-47-4	50						[1,100] 4	
Hexachloroethane	67-72-1	25						[33] 1	C
Ideno(1,2,3-cd)pyrene	193-39-5	0.048						[0.18] 0.013	C
Isophorone	78-59-1	368						[9,600] 18,000	C
<u>Malathion</u>	<u>121-75-5</u>						0.1		
<u>Methoxychlor</u>	<u>72-43-5</u>						0.03	0.02	
Methyl bromide	74-83-9	49						[1,500] 10,000	
<u>3-Methyl-4-chlorophenol</u>	<u>59-50-7</u>							2,000	
2-Methyl-4,6-dinitrophenol	534-52-1	14						[280] 30	
Methylene chloride	75-09-2	5						[5,900] 10,000	C
<u>Mirex</u>	<u>2385-85-5</u>						0.001		
Nitrobenzene	98-95-3	18						[690] 600	
<u>Nitrosamines</u>	<u>Various</u>							12.4	C
<u>Nitrosodibutylamine</u>	<u>924-16-3</u>							2.2	C
<u>Nitrosodiethylamine</u>	<u>55-18-5</u>							12.4	C
N-Nitrosodimethylamine	62-75-9	0.0069						30	C
N-Nitrosodi-n-propylamine	621-64-7	0.050						5.1	C
N-Nitrosodiphenylamine	86-30-6	71						60	C
<u>N-Nitrosopyrrolidine</u>	<u>930-55-2</u>							340	C
Nonylphenol	84852-15-3					28	6.6		

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
<u>Parathion</u>	<u>56-38-2</u>					<u>0.065</u>	<u>0.013</u>		
<u>[Polychlorinated Biphenyls (PCBs)]</u>	<u>[1336-36-3]</u>	<u>[0.50]</u>			<u>[0.014]</u>	<u>[2]</u>	<u>[0.014]</u>	<u>[0.00064]</u>	<u>[C,P]</u>
<u>Pentachlorobenzene</u>	<u>608-93-5</u>							<u>0.1</u>	
Pentachlorophenol	87-86-5	1.0				19	15	<u>[30] 0.4</u>	C
Phenol	108-95-2	10,500						<u>[860,000] 300,000</u>	
<u>Polychlorinated Biphenyls (PCBs)</u>	<u>1336-36-3</u>	<u>0.50</u>			<u>0.014</u>	<u>2</u>	<u>0.014</u>	<u>0.00064</u>	<u>C,P</u>
Pyrene	129-00-0	1,050						<u>[4,000] 30</u>	
<u>1,2,4,5-Tetrachlorobenzene</u>	<u>95-94-3</u>							<u>0.03</u>	
1,1,2,2-Tetrachloroethane	79-34-5	1.8						<u>[40] 30</u>	C
Tetrachloroethylene	127-18-4	5						<u>[33] 290</u>	C,P
Toluene	108-88-3	1,000						<u>[15,000] 520</u>	
Toxaphene	8001-35-2	3				0.73	0.0002	<u>[0.0028] 0.0071</u>	C
1,2-Trans-dichloroethylene	156-60-5	100						<u>[10,000] 4,000</u>	
<u>Tributyltin (TBT)</u>	<u>Various</u>					<u>0.46</u>	<u>0.072</u>		
1,2,4-Trichlorobenzene	120-82-1	70						<u>[70] 0.76</u>	C
1,1,1-Trichloroethane	71-55-6	200						<u>200,000</u>	
1,1,2-Trichloroethane	79-00-5	5						<u>[160] 89</u>	C
Trichloroethylene	79-01-6	5						<u>[300] 70</u>	C
<u>2,4,5-Trichlorophenol</u>	<u>95-95-4</u>							<u>600</u>	
2,4,6-Trichlorophenol	88-06-2	32						<u>[24] 28</u>	C
<u>2-(2,4,5-Trichlorophenoxy)propionic acid (Silvex)</u>	<u>93-72-1</u>							<u>400</u>	
Vinyl chloride	75-01-4	2						<u>[24] 16</u>	C

(2) Notes applicable to the table of numeric criteria in Paragraph (1) of this subsection.

(a) Where the letter “a” is indicated in a cell, the criterion is hardness-based and can be referenced in Subsection I of 20.6.4.900 NMAC.

(b) Where the letter “b” is indicated in a cell, the criterion can be referenced in Subsection C of 20.6.4.900 NMAC.

(c) Criteria are in µg/L unless otherwise indicated.

(d) Abbreviations are as follows: CAS - chemical abstracts service (see definition for “CAS number” in 20.6.4.7 NMAC); DWS - domestic water supply; Irr/Irr storage- irrigation ~~or~~and irrigation storage; LW - livestock watering; WH - wildlife habitat; HH-OO - human health-organism only; C – criteria based on cancer-causing endpoint; P - persistent toxic pollutant.

(e) The criteria are based on analysis of an unfiltered sample unless otherwise indicated. The acute and chronic aquatic life criteria for aluminum are based on analysis of total recoverable aluminum in a sample that is filtered to minimize mineral phases as specified by the department.

(f) The criteria listed under human health-organism only (HH-OO) are intended to protect human health when aquatic organisms are consumed from waters containing pollutants. These criteria do not protect the aquatic life itself; rather, they protect the health of humans who ingest fish or other aquatic organisms.

(g) The dioxin criteria apply to the sum of the dioxin toxicity equivalents expressed as 2,3,7,8-TCDD dioxin.

(h) The criteria for polychlorinated biphenyls (PCBs) apply to the sum of all congeners, to the sum of all homologs or to the sum of all aroclors.

(i) The acute and chronic aquatic life criteria for dissolved aluminum only apply when the concurrent pH is less than 6.5 or greater than 9.0 S.U. If the concurrent pH is between 6.5 and 9.0 S.U. then the hardness-dependent total recoverable aluminum criteria in Paragraphs (1) and (2) of Subsection I of 20.6.4.900 NMAC apply.

[K. Acute aquatic life criteria for total ammonia are dependent on pH and the presence or absence of salmonids. The criteria in mg/L as N based on analysis of unfiltered samples are as follows:

pH	Where Salmonids Present	Where Salmonids Absent
6.5 and below	32.6	48.8
6.6	31.3	46.8
6.7	29.8	44.6
6.8	28.1	42.0
6.9	26.2	39.1
7.0	24.1	36.1
7.1	22.0	32.8
7.2	19.7	29.5
7.3	17.5	26.2
7.4	15.4	23.0
7.5	13.3	19.9
7.6	11.4	17.0
7.7	9.65	14.4
7.8	8.11	12.1
7.9	6.77	10.1
8.0	5.62	8.40
8.1	4.64	6.95
8.2	3.83	5.72
8.3	3.15	4.71
8.4	2.59	3.88
8.5	2.14	3.20
8.6	1.77	2.65
8.7	1.47	2.20
8.8	1.23	1.84
8.9	1.04	1.56
9.0 and above	0.885	1.32

L. Chronic aquatic life criteria for total ammonia are dependent on pH, temperature and whether fish in early life stages are present or absent. The criteria are based on analysis of unfiltered samples and are calculated according to the equations in Paragraphs (1) and (2) of this subsection. For temperatures from below 0 to 14°C, the criteria for 14°C apply; for temperatures above 30°C, the criteria for 30°C apply. For pH values below 6.5, the criteria for 6.5 apply; for pH values above 9.0, the criteria for 9.0 apply.

(1) Chronic aquatic life criteria for total ammonia when fish early life stages are present:

(a) The equation to calculate chronic criteria in mg/L as N is:

$$((0.0577/(1 + 10^{7.688 - \text{pH}})) + (2.487/(1 + 10^{\text{pH} - 7.688}))) \times \text{MIN}(2.85, 1.45 \times 10^{0.028 \times (25 - T)})$$

(b) Selected values of calculated chronic criteria in mg/L as N:

pH	Temperature (°C)									
	14 and below	15	16	18	20	22	24	26	28	30 and above
6.5 and below	6.67	6.46	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.6	6.57	6.36	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.7	6.44	6.25	5.86	5.15	4.52	3.98	3.50	3.07	2.70	2.37

pH	Temperature (°C)									
	14 and below	15	16	18	20	22	24	26	28	30 and above
6.8	6.29	6.10	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.9	6.12	5.93	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.0	5.94	5.73	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.1	5.67	5.49	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.2	5.39	5.22	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.3	5.08	4.92	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.4	4.73	4.59	4.30	3.78	3.32	2.92	2.57	2.26	1.98	1.74
7.5	4.36	4.23	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.6	3.98	3.85	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.7	3.58	3.47	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.8	3.18	3.09	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.9	2.80	2.71	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.0	2.43	2.36	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.1	2.10	2.03	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773
8.2	1.79	1.74	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661
8.3	1.52	1.48	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.4	1.29	1.25	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.5	1.09	1.06	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.6	0.920	0.892	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339
8.7	0.778	0.754	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.8	0.661	0.641	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.244
8.9	0.565	0.548	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.0 and above	0.486	0.471	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179

(2) **Chronic aquatic life criteria for total ammonia when fish early life stages are absent.**

(a) The equation to calculate chronic criteria in mg/L as N is:

$$((0.0577/(1 + 10^{7.688 - \text{pH}})) + (2.487/(1 + 10^{\text{pH} - 7.688}))) \times 1.45 \times 10^{0.028 \times (25 - \text{MAX}(T,7))}$$

(b) Selected values of calculated chronic criteria in mg/L as N:

pH	Temperature (°C)								
	7 and below	8	9	10	11	12	13	14	15 and above
6.5 and below	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89	6.46
6.6	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79	6.36
6.7	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66	6.25
6.8	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51	6.10
6.9	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33	5.93
7.0	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11	5.73
7.1	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86	5.49
7.2	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57	5.22
7.3	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25	4.92
7.4	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89	4.59
7.5	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51	4.23
7.6	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11	3.85
7.7	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70	3.47
7.8	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29	3.09
7.9	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89	2.71
8.0	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52	2.36
8.1	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17	2.03

pH	Temperature (°C)								
	7 and below	8	9	10	11	12	13	14	15 and above
8.2	2.91	2.73	2.56	2.40	2.25	2.11	1.98	1.85	1.74
8.3	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58	1.48
8.4	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33	1.25
8.5	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13	1.06
8.6	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.951	0.892
8.7	1.26	1.18	1.11	1.04	0.976	0.915	0.858	0.805	0.754
8.8	1.07	1.01	0.944	0.855	0.829	0.778	0.729	0.684	0.641
8.9	0.917	0.860	0.806	0.756	0.709	0.664	0.623	0.584	0.548
9.0 and above	0.790	0.740	0.694	0.651	0.610	0.572	0.536	0.503	0.471

At 15°C and above, the criterion for fish early life stages absent is the same as the criterion for fish early life stages present (refer to table in Paragraph (1) of this subsection).

]

K. The criteria for total ammonia consider sensitive freshwater mussel species in the family Unionidae, freshwater non-pulmonate snails, and *Oncorhynchus* spp. (a genus of fish in the family Salmonidae), hence further protecting the aquatic community. The total ammonia criteria magnitude is measured as Total Ammonia Nitrogen (TAN) mg/L. TAN is the sum of NH_4^+ and NH_3 . TAN mg/L magnitude is derived as a function of pH and temperature (EPA 2013).

L. The acute aquatic life criteria for TAN (mg/L) was derived by the EPA (2013) as the one-hour average concentration of TAN mg/L that shall not be exceeded more than once every three years on average. The EPA acute criterion magnitude was derived using the following equation:

$$\text{MIN} \left(\frac{0.275}{1+10^{7.204-pH}} + \frac{39}{1+10^{pH-7.204}} \right), \left(0.7249 \times \left(\frac{0.0114}{1+10^{7.204-pH}} + \frac{1.6181}{1+10^{pH-7.204}} \right) \times (23.12 \times 10^{0.036(20-T)}) \right)$$

T (temperature °C) and *pH* are defined as the paired values associated with the TAN sample.

pH	Temperature (°C)																				
	0-10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	51	48	44	41	37	34	32	29	27	25	23	21	19	18	16	15	14	13	12	11	9.9
6.6	49	46	42	39	36	33	30	28	26	24	22	20	18	17	16	14	13	12	11	10	9.5
6.7	46	44	40	37	34	31	29	27	24	22	21	19	18	16	15	14	13	12	11	9.8	9
6.8	44	41	38	35	32	30	27	25	23	21	20	18	17	15	14	13	12	11	10	9.2	8.5
6.9	41	38	35	32	30	28	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9
7.0	38	35	33	30	28	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9	7.3
7.1	34	32	30	27	25	23	21	20	18	17	15	14	13	12	11	10	9.3	8.5	7.9	7.2	6.7
7.2	31	29	27	25	23	21	19	18	16	15	14	13	12	11	9.8	9.1	8.3	7.7	7.1	6.5	6
7.3	27	26	24	22	20	18	17	16	14	13	12	11	10	9.5	8.7	8	7.4	6.8	6.3	5.8	5.3
7.4	24	22	21	19	18	16	15	14	13	12	11	9.8	9	8.3	7.7	7	6.5	6	5.5	5.1	4.7
7.5	21	19	18	17	15	14	13	12	11	10	9.2	8.5	7.8	7.2	6.6	6.1	5.6	5.2	4.8	4.4	4
7.6	18	17	15	14	13	12	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5
7.7	15	14	13	12	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5	3.2	2.9
7.8	13	12	11	10	9.3	8.5	7.9	7.2	6.7	6.1	5.6	5.2	4.8	4.4	4	3.7	3.4	3.2	2.9	2.7	2.5
7.9	11	9.9	9.1	8.4	7.7	7.1	6.6	3	5.6	5.1	4.7	4.3	4	3.7	3.4	3.1	2.9	2.6	2.4	2.2	2.1
8.0	8.8	8.2	7.6	7	6.4	5.9	5.4	5	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6	2.4	2.2	2	1.9	1.7
8.1	7.2	6.8	6.3	5.8	5.3	4.9	4.5	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4
8.2	6	5.6	5.2	4.8	4.4	4	3.7	3.4	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2
8.3	4.9	4.6	4.3	3.9	3.6	3.3	3.1	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4	1.3	1.2	1.1	1	0.96

8.4	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79
8.5	3.3	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2	1.1	0.98	0.9	0.83	0.77	0.71	0.65
8.6	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.5	1.3	1.2	1.1	1	0.96	0.88	0.81	0.75	0.69	0.63	0.58	0.54
8.7	2.3	2.2	2	1.8	1.7	1.6	1.4	1.3	1.2	1.1	1	0.94	0.87	0.8	0.74	0.68	0.62	0.57	0.53	0.49	0.45
8.8	1.9	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37
8.9	1.6	1.5	1.4	1.3	1.2	1.1	1	0.93	0.85	0.79	0.72	0.67	0.61	0.56	0.52	0.48	0.44	0.4	0.37	0.34	0.32
9.0	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37	0.34	0.32	0.29	0.27

(1) Temperature and pH-dependent values of the acute TAN criterion magnitude -when *Oncorhynchus* spp. absent.

(2) Temperature and pH-dependent values for the acute TAN criterion magnitude-when *Oncorhynchus* spp. are present.

pH	Temperature (°C)																
	0-14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	33	33	32	29	27	25	23	21	19	18	16	15	14	13	12	11	9.9
6.6	31	31	30	28	26	24	22	20	18	17	16	14	13	12	11	10	9.5
6.7	30	30	29	27	24	22	21	19	18	16	15	14	13	12	11	9.8	9
6.8	28	28	27	25	23	21	20	18	17	15	14	13	12	11	10	9.2	8.5
6.9	26	26	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9
7.0	24	24	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	8	7.3
7.1	22	22	21	20	18	17	15	14	13	12	11	10	9.3	8.5	7.9	7.2	6.7
7.2	20	20	19	18	16	15	14	13	12	11	9.8	9.1	8.3	7.7	7.1	6.5	6
7.3	18	18	17	16	14	13	12	11	10	9.5	8.7	8	7.4	6.8	6.3	5.8	5.3
7.4	15	15	15	14	13	12	11	9.8	9	8.3	7.7	7	6.5	6	5.5	5.1	4.7
7.5	13	13	13	12	11	10	9.2	8.5	7.8	7.2	6.6	6.1	5.6	5.2	4.8	4.4	4
7.6	11	11	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5
7.7	9.6	9.6	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5	3.2	3
7.8	8.1	8.1	7.9	7.2	6.7	6.1	5.6	5.2	4.8	4.4	4	3.7	3.4	3.2	2.9	2.7	2.5
7.9	6.8	6.8	6.6	6	5.6	5.1	4.7	4.3	4	3.7	3.4	3.1	2.9	2.6	2.4	2.2	2.1
8.0	5.6	5.6	5.4	5	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6	2.4	2.2	2	1.9	1.7
8.1	4.6	4.6	4.5	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4
8.2	3.8	3.8	3.7	3.5	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2
8.3	3.1	3.1	3.1	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4	1.3	1.2	1.1	1	1
8.4	2.6	2.6	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.9	0.9	0.8
8.5	2.1	2.1	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2	1.1	1	0.9	0.8	0.8	0.7	0.7
8.6	1.8	1.8	1.7	1.6	1.5	1.3	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.6	0.6	0.5
8.7	1.5	1.5	1.4	1.3	1.2	1.1	1	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.5
8.8	1.2	1.2	1.2	1.1	1	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.4	0.4	0.4
8.9	1	1	1	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.4	0.4	0.4	0.3	0.3
9.0	0.88	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.4	0.4	0.4	0.3	0.3	0.3	0.3

M. The chronic aquatic life criteria for TAN (mg/L) was derived by the EPA (2013) as a thirty-day rolling average concentration of TAN mg/L that shall not be exceeded more than once every three years on average. In addition, the highest four-day average within the 30-day averaging period should not be more than 2.5 times the

CCC (e.g., 2.5 x 1.9 mg TAN/L at pH 7 and 20°C, or 4.8 mg TAN/L) more than once in three years on average. The EPA chronic criterion magnitude was derived using the following equation:

$$0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688-pH}} + \frac{1.1994}{1 + 10^{pH-7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - \text{MAX}(T,7))})$$

T (temperature °C) and *pH* are defined as the paired values associated with the TAN sample.

(1) **Temperature and pH-Dependent Values of the Chronic TAN Criterion Magnitude.**

	Temperature (°C)																													
pH	0-7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30						
6.5	4.9	4.6	4.3	4.1	3.8	3.6	3.3	3.1	2.9	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.6	1.5	1.5	1.4	1.3	1.2	1.1	1.1					
6.6	4.8	4.5	4.3	4	3.8	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1.1					
6.7	4.8	4.5	4.2	3.9	3.7	3.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1.1					
6.8	4.6	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1.1					
6.9	4.5	4.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1					
7.0	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	1					
7.1	4.2	3.9	3.7	3.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1	1					
7.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	1	1	0.9					
7.3	3.8	3.5	3.3	3.1	2.9	2.7	2.6	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	1	0.9	0.9	0.9					
7.4	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	1	0.9	0.9	0.9	0.8					
7.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.7					
7.6	2.9	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.6	1.5	1.4	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.7					
7.7	2.6	2.4	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6	0.6					
7.8	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5	0.5					
7.9	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5	0.5	0.5	0.5					
8.0	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.4	0.4	0.4	0.4					
8.1	1.5	1.5	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.4					
8.2	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3					
8.3	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3					
8.4	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2					
8.5	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2					
8.6	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2					
8.7	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1					
8.8	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1					
8.9	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1					
9.0	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1					

[20.6.4.900 NMAC - Rp 20 NMAC 6.1.3100, 10/12/2010; A, 10/11/2002; A, 5/23/2005; A, 7/17/2005; A, 12/1/2010; A, 3/2/2017; A, XX/XX/XXXX]

20.6.4.901 PUBLICATION REFERENCES: These documents are intended as guidance and are available for public review during regular business hours at the offices of the surface water quality bureau. Copies of these documents have also been filed with the New Mexico state records center in order to provide greater access to this information.

A. American public health association. 1992. *Standard Methods For The Examination Of Water And Wastewater, 18th Edition.* Washington, D.C. 1048 p.

- B.** American public health association. 1995. *Standard Methods For The Examination Of Water And Wastewater, 19th Edition*. Washington, D.C. 1090 p.
- C.** American public health association. 1998. *Standard Methods For The Examination Of Water And Wastewater, 20th Edition*. Washington, D.C. 1112 p.
- D.** American public health association. 2018. *Standard Methods For The Examination Of Water And Wastewater, 23rd Edition*. Washington, D.C. 1796 p.
- [D]E.** United States geological survey. [~~1987~~]1989. *Methods For Determination Of Inorganic Substances In Water And Fluvial Sediments, Techniques Of Water-Resource Investigations Of The United States Geological Survey*. Washington, D.C. [80]545 p.
- [E]E.** United States geological survey. 1987. *Methods [f]For [t]The [d]Determination [o]Of [o]Organic [s]Substances [i]In [w]Water [a]And [f]Fluvial [s]Sediments, [t]Techniques [o]Of [w]Water- [r]Resource [i]Investigations [o]Of [t]The [U.S.] United States Geological [s]Survey*. Washington, D.C. 80 p.
- [F]G.** United States environmental protection agency. [1974]1983. *Methods For Chemical Analysis Of Water And Wastes*. [~~National environmental research center, Cincinnati, Ohio~~Office of research and development, Washington, DC]. [~~(EPA-625-76-74-003)~~](EPA/600/4-79/020). [298]491 p.
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- [H]I.** Colorado river basin salinity control forum. [2014]2020. [~~2014~~]2020 Review, *Water Quality Standards For Salinity, Colorado River System*. Phoenix, Arizona. [99]97 p.
- [I]J.** United States environmental protection agency. 2002. *Methods For Measuring The Acute Toxicity Of Effluents And Receiving Waters To Freshwater And Marine Organisms*. Office of research and development, Washington, D.C. (5th Ed., EPA 821-R-02-012). 293 p. [<http://www.epa.gov/ostWET/disk2/atx.pdf>]
- [J]K.** United States environmental protection agency. 2002. *Short-Term Methods For Estimating The Chronic Toxicity Of Effluents And Receiving Waters To Freshwater Organisms*. Environmental monitoring systems laboratory, Cincinnati, Ohio. (4th Ed., EPA 821-R-02-013). 335 p.
- [K]L.** [~~Ambient-induced mixing, in~~]United States environmental protection agency. 1991. *Ambient-induced mixing, in Technical Support Document For Water Quality-Based Toxics Control*. Office of water, Washington, D.C. (EPA/505/2-90-001). [2]335 p.
- [L]M.** United States environmental protection agency. 1983. *Technical Support Manual: Waterbody Surveys And Assessments For Conducting Use Attainability Analyses, Volume I*. Office of water, regulations and standards, Washington, D.C. [251]232 p. [<http://www.epa.gov/OST/library/wqstandards/uaavol123.pdf>]
- [M]N.** United States environmental protection agency. 1984. *Technical Support Manual: Waterbody Surveys And Assessments For Conducting Use Attainability Analyses, Volume [H]III: Lake Systems*. Office of water, regulations and standards, Washington, D.C. 208 p. [<http://www.epa.gov/OST/library/wqstandards/uaavol123.pdf>]
[20.6.4.901 NMAC - Rp 20 NMAC 6.1.4000, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, XX/XX/XXXX]

HISTORY of 20.6.4 NMAC:

Pre-NMAC History:

Material in the part was derived from that previously filed with the commission of public records - state records center and archives:

- WQC 67-1, Water Quality Standards, filed 7-17-67, effective 8-18-67
- WQC 67-1, Amendment Nos. 1-6, filed 3-21-68, effective 4-22-68
- WQC 67-1, Amendment No. 7, filed 2-27-69, effective 3-30-69
- WQC 67-1, Amendment No. 8, filed 7-14-69, effective 8-15-69
- WQC 70-1, Water Quality Standards for Intrastate Waters and Tributaries to Interstate Streams, filed July 17, 1970;
- WQC 67-1, Amendment Nos. 9 and 10, filed 2-12-71, effective 3-15-71
- WQC 67-1, Amendment No. 11, filed 3-4-71, effective 4-5-71
- WQC 73-1, New Mexico Water Quality Standards, filed 9-17-73, effective 10-23-73
- WQC 73-1, Amendment Nos. 1 and 2, filed 10-3-75, effective 11-4-75
- WQC 73-1, Amendment No. 3, filed 1-19-76, effective 2-14-76
- WQC 77-2, Amended Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 2-24-77, effective 3-11-77
- WQC 77-2, Amendment No. 1, filed 3-23-78, effective 4-24-78
- WQC 77-2, Amendment No. 2, filed 6-12-79, effective 7-13-79

WQCC 80-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 8-28-80, effective 9-28-80
WQCC 81-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 5-5-81, effective 6-4-81
WQCC 81-1, Amendment No. 1, filed 5-19-82, effective 6-18-82
WQCC 81-1, Amendment No. 2, filed 6-24-82, effective 7-26-82
WQCC 85-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 1-16-85, effective 2-15-85
WQCC 85-1, Amendment No. 1, filed 8-28-87, effective 9-28-87
WQCC 88-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 3-24-88, effective 4-25-88
WQCC 91-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 5-29-91, effective 6-29-91
WQCC 91-1, Amendment No. 1, filed 10-11-91, effective 11-12-91

History of the Repealed Material:

WQC 67-1, Water Quality Standards, - Superseded, 10-23-73
WQC 73-1, New Mexico Water Quality Standards, - Superseded, 3-11-77
WQC 77-2, Amended Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 9-28-80
WQCC 80-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 6-4-81
WQCC 81-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 2-15-85
WQCC 85-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 4-25-88
WQCC 88-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 6-29-91
WQCC 91-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 1-23-95
20 NMAC 6.1, Standards for Interstate and Intrastate Streams, - Repealed, 2-23-00
20 NMAC 6.1, Standards for Interstate and Intrastate Surface Waters, - Repealed, 10/12/2000