



New Mexico Environment Department

Intro to the Clean Water Act
New Mexico Environment Department
Surface Water Quality Bureau
October 2022



This presentation is intended to introduce the objective and goals of Clean Water Act and the New Mexico Environment Department's role in implementing the Act.



1972 - 2022



Celebrating 50 Years of the Clean Water Act

2022 marks the 50th anniversary of the Clean Water Act!

- As a result of the Clean Water Act, 700 billion pounds of pollutants are kept out of our nation's waters annually and the number of waterways that are safe for fishing and swimming has doubled across the country.
- The Clean Water Act is a refreshing reminder of how regulatory action can make a difference in our everyday lives. However, there is still more work to be done!



Clean Water Act



Ca. 1960s

present day

Photo Credit: Cleveland State University Library

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Before the Clean Water Act, it was common practice to dump raw sewage into our nation's rivers. Ohio's Cuyahoga River was so polluted with oil and grease that it caught fire more than a dozen times. Waters as large as Lake Erie were so full of industrial pollution, untreated sewage, and farm run-off that they were declared functionally dead. The Potomac River in Washington, D.C. was filled with smelly algal blooms from raw sewage every summer. Rivers throughout New England were so polluted that they actually peeled paint off nearby buildings. Flood-absorbing wetlands were destroyed at an alarming rate – nearly half a million acres were lost annually.

Then, in 1972, after decades of widespread pollution and contamination, Republicans and Democrats united to address this public health and ecological crisis by passing the Clean Water Act to protect our lakes, rivers, streams, wetlands, and bays from pollution and destruction. The photo depicting Cuyahoga River water quality improvements in recent years show the dramatic impact of the Clean Water Act on (historically) one of the most polluted rivers in the United States.

Clean Water Act (CWA)

Fundamental Objective [CWA Section 101(a)]:

“Restore and maintain the chemical, physical and biological integrity of the Nation’s waters”

- enhances drinking water quality,
- protects habitat for fish and other wildlife, and
- sustains our economy.

As a result, the number of places that meet CWA goals has doubled; the cost to treat our drinking water is lower because our waters are healthier; and as water quality improved, fish and wildlife rebounded.



Passed fifty years ago, the Clean Water Act is the most important tool we have to protect our waters. The Clean Water Act holds polluters accountable, enhances drinking water quality, protects habitat for fish and other wildlife, and sustains our economy. The fundamental objective of the Clean Water Act is to restore and maintain the chemical, physical and biological integrity of the Nation’s Waters [CWA section 101(a)], which includes New Mexico's streams and rivers.

For fifty years, the Clean Water Act has brought our waters back to life. As a result, upgraded 16,000 WWTPs to secondary treatment; implemented technology-based effluent limits for discharges, established a point source program and upgraded sewage treatment; improved fish habitat and populations although even today not all waters are fishable (but at least they aren’t flammable!)

Because of the CWA the number of places that meet clean water goals has doubled; the cost to treat our drinking water is lower because our waters are healthier; and as water quality improved, fish and wildlife rebounded.



Clean Water Act (CWA) Goals

It is a National goal to:



- Eliminate the discharge of pollutants into the navigable waters by 1985 (??)
[CWA Section 101(a)(1)]



- Provide for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water (a.k.a. “fishable/swimmable goals”)
[CWA Section 101(a)(2)]

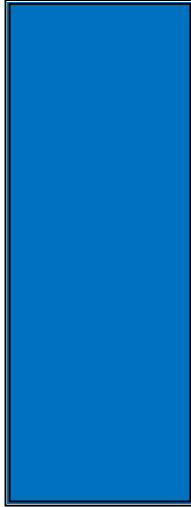
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In order to achieve the fundamental objective, the Clean Water Act has a lofty goal to eliminate the discharge of pollutants into surface waters by 1985. We will never get to zero discharge of pollutants. It is an unrealistic goal that will never be achieved; however, states and EPA are committed to controlling and mitigating the discharge of pollutants to meet water quality standards. The Clean Water Act makes it illegal to intentionally dump pollution from a “point source,” like factories or city sewers, into our nation’s waters without a permit. The law also prevents wetlands from being filled in or paved over to create dry land for development or farming without first getting a federal permit.

The Clean Water Act also sets a goal to provide for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water. It directs states and territories to adopt water quality standards, requires clean-up plans for water bodies that don’t meet water quality standards (aka TMDLs), funds important grant programs to help states, territories, and Tribes implement Clean Water Act programs to maintain, enhance, and restore water quality, helps communities build and upgrade wastewater infrastructure nationwide through the CWSRF loan program, and provides opportunities for meaningful public engagement.



Key Sections of the Clean Water Act



- 101 – Outlines objective and major goals
- 106 – Grants for Water Pollution Control Programs
- 301 and 302 – Related to Developing Effluent Limits for Discharge Permits
- Section 303 – Water Quality Standards requirements; List of Impaired Waters; TMDLs
- Section 319 – Nonpoint Source Pollution
- 401 – State/Tribal Certification of Federal Discharge Permits
- 402 – National Pollutant Discharge Elimination System (NPDES)
- 404 – Permits for Dredged or Fill Material
- 502 – Key Definitions
- 510 – State/Tribal Authority
- 604 – Grants for Water Quality Management Planning

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It is good to know that Section 101 of the Clean Water Act outlines the fundamental objective and supporting goals of the Clean Water Act. Section 101(a) speaks to the fundamental objective of the Clean Water Act and Sections 101(a)(1) and 101(a)(2) describe the goals of the Act.

Other water quality programs are described in various sections of the Clean Water Act, as follows:

Section 106 = Grants for Pollution Control Programs (monitoring, assessments, standards, TMDLs, Impaired Waters List, point source regulation)

Section 303 = Water Quality Standards requirements, List of Impaired Waters; TMDL requirements

Section 319 = Management of Nonpoint Source Pollution (voluntary program)

Section 401 = State/Tribal certification of federal permits

Section 402 = Permits for NPDES to regulate discharge of pollutants from point sources and stormwater. Administered by USEPA in NM.

Section 404 = Permits for dredged and fill material administered by USACE

Section 604 = Grants for Water Quality Management Planning



Importance of the Clean Water Act

- Aims to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters."
- Provides the basic structure for regulating discharges.
- Makes it unlawful to discharge pollutants from a point source into our Nation's waters without a permit.
- Prevents wetlands from being filled in or paved over without first getting a permit.
- Sets "fishable/swimmable" goals for the Nation's waters.
- Directs states/tribes to adopt water quality standards.
- Requires clean-up plans for waters that don't meet water quality standards (aka TMDLs)
- Funds important grant programs to help States/Tribes maintain, enhance, and restore water quality.
- Helps communities build and upgrade wastewater infrastructure through the CWSRF loan program.
- Provides opportunities for meaningful public engagement.



So, let's summarize what we have learned about the Clean Water Act so far. The Clean Water Act is a statute that provides the basic structure for regulating the discharge of pollutants into waters of the US and gives EPA the authority to promulgate regulation and requirements under the Clean Water Act. These federal regulations and requirements lead to the protection, restoration, and maintenance of our Nation's waters and provide for the protection and propagation of fish, shellfish and wildlife and recreation in and on the water. One action we have not talked about, but will introduce now, is that the Clean Water Act provides opportunity for meaningful public engagement early and often.



CWA and U.S.C.

- The **Clean Water Act (CWA)**. Available at:
<https://www.epa.gov/sites/default/files/2017-08/documents/federal-water-pollution-control-act-508full.pdf>
- 33 United States Code (U.S.C.) Chapter 26, § 1251-1387. Available at:
<https://www.govinfo.gov/content/pkg/USCODE-2018-title33/pdf/USCODE-2018-title33-chap26.pdf>

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The Act and the United States Code can be found at the following links, both are links found on current EPA webpages.



State Roles and Responsibilities

States and authorized tribes

States and authorized tribes have the primary authority to implement the CWA, which requires the states and authorized tribes to adopt, review, and revise Water Quality Standards and implementation procedures as detailed in the Act.



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The New Mexico Environment Department ("NMED") is required under the New Mexico Water Quality Act (Subsection C of Section 74-6-4 NMSA 1978) and the federal Clean Water Act, to implement the Clean Water Act and propose or amend 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. The NMED Surface Water Quality Bureau is the entity within the NMED who is responsible for implementing the CWA for the state of NM.



WQCC Roles and Responsibilities

Key roles and responsibilities of the Water Quality Control Commission (WQCC)

The Water Quality Control Commission (WQCC) is the state's water pollution control agency for all purposes of the New Mexico Water Quality Act and the Federal Clean Water Act.

The WQCC adopts all regulations and standards administered by the New Mexico Environment Department relating to groundwater and surface water and hears appeals on the Department's water-related permitting and enforcement actions.

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Now let quickly go over the Water Quality Control commission or the "WQCC". The WQCC was established under the New Mexico Water Quality Act and is the states pollution control agency for all purposes of the NM Water Quality Act and the Federal Clean Water Act. The WQCC adopts all regulations and standards administered by the NMED relating to groundwater and surface waters of the state.



NMED Roles and Responsibilities

Key roles and responsibilities of NMED



The NMED Surface Water Quality Bureau preserves, protects, and improves New Mexico's surface water quality by implementing CWA programs (e.g., water quality standards, monitoring, assessment, TMDLs, compliance inspections, permit certifications, nonpoint source management, etc.) in the state of NM.

The NMED Construction Programs Bureau administers the Clean Water State Revolving Fund loan program to help communities build and upgrade wastewater infrastructure.

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The NMED Surface Water Quality Bureau is the entity within the NMED who is responsible for implementing the CWA in the state of NM. NMED's Construction Programs Bureau administers the Clean Water State Revolving Fund loan program to help communities build and upgrade wastewater infrastructure.



Clean Water Act - Summary

- ❑ Establishes the basic structure for regulating discharges of pollutants into waters of the United States and regulating quality standards for surface waters
- ❑ Aims to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters", as described in CWA Section 101(a).
- ❑ Gives EPA the authority to implement requirements and pollution control programs and instructs federal agencies to "...cooperate with state and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution..." [CWA Section 101(g)]
- ❑ Provides opportunities for meaningful public engagement.



Here's to the next 50 years!

"The future depends on what we do in the present." - Mahatma Ghandi



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We have the opportunity to continue and improve upon the progress made over the past 50 years. Prioritizing equitable access to clean water and mitigating the impacts of climate change must be key factors in charting a course to ensure the Clean Water Act remains an effective and reliable tool over the next 50 years. Our way of life – clean water from the tap, a day spent floating the river, fishing with our families, and protections from storms – all depend on a strong Clean Water Act.

Here's to the next 50 years! Hopefully, our path is less rocky than this photo, but we're ready to get our feet wet. ;)