



New Mexico Environment Department

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





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



CUYAHOGA RIVER

Ca. 1960s

present day

Photo Credit: Cleveland State University Library

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.





Clean Water Act (CWA) Goals

It is a National goal to:

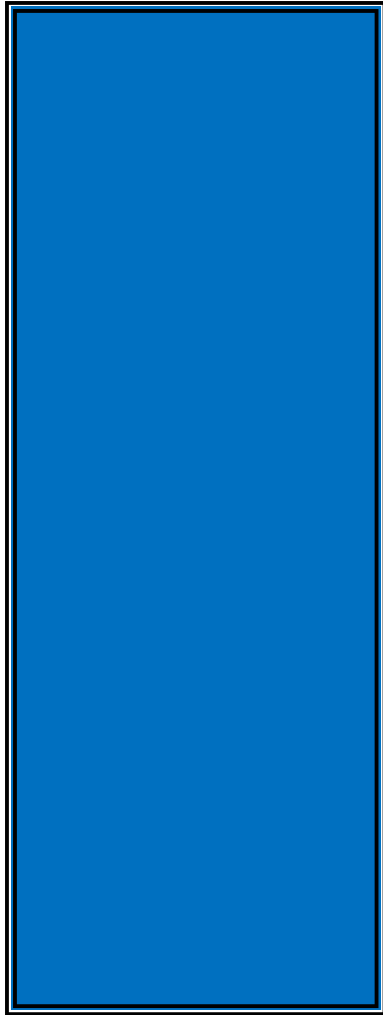


- Eliminate the discharge of pollutants into the navigable waters by 1985 (??)
[CWA Section 101(a)(1)]
- Provide for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water (a.k.a. “fishable/swimmable goals”)
[CWA Section 101(a)(2)]





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



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.





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>



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.





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.



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.



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

