

**NOTICE AND CONCISE EXPLANATORY STATEMENT OF
THE WATER QUALITY CONTROL COMMISSION'S
DECISION TO AMEND 20.6.4 NMAC, MODIFYING
DESIGNATED USE OF THE RIO GRANDE TO
FOUR HILLS BRIDGE REACH OF THE TIJERAS ARROYO
CASE NO. WQCC 25-28(R)**

Pursuant to the Water Quality Act (“Act”), NMSA 1978, Sections 74-6-1 to -17, and the *Standards for Interstate and Intrastate Surface Waters*, 20.6.4 NMAC, the Water Quality Control Commission (“WQCC”) is authorized to “adopt water quality standards for surface and ground waters of the state based on credible scientific data and other evidence appropriate under the [Act] . . . [giving the] weight it deems appropriate to all facts and circumstances.” NMSA 1978, Section 74-6-4(D). The Act further states, “[t]he standards shall at a minimum protect the public health or welfare, enhance the quality of water and serve the purposes of the [Act].” NMSA 1978, Section 74-6-4(D).

This amendment modifies the hydrological determination of the Rio Grande to Four Hills Bridge reach of the Tijeras Arroyo, from intermittent to ephemeral. The amendment added the subject reach to the list of ephemeral waters designated at 20.6.4.97 NMAC, which changed the reach’s designated uses and criteria to those with less stringent criteria. This modification can only be accomplished through a use attainability analysis and if the provisions under 20.6.4.15 NMAC are demonstrated. Petitioners conducted a use attainability analysis, the findings of which supported modifying the designation of the subject reach, as the designated uses were not feasible because of a factor listed in 40 CFR 131.10(g).

Petitioners brought the proposed rule amendment before the WQCC in a petition for a public hearing. Notice of the hearing was published at least 60 days prior to the hearing in accordance with 20.1.6.201 NMAC. A public hearing, docketed as WQCC 25-28(R), was held on December 9, 2025. After deliberating, the WQCC voted unanimously to adopt the proposed rule amendment. In adopting the rule amendment, the WQCC considered all facts and circumstances and concluded that the standards in the proposed rule amendment protect the public health or welfare, enhance the quality of water, and serve the purposes of the Act. The WQCC provided its reasons for the action taken in the Statement of Reasons and Final Order dated February 6, 2026.

Adoption of the final rule amendment occurred upon signature of the Statement of Reasons and Final Order. 20.1.6.307 NMAC. The rule amendment adopted by the WQCC shall become effective no less than thirty days after its filing in accordance with the provisions of the State Rules Act. NMSA 1978, Section 74-6-6(E). In accordance with 1.24.10.16(E) NMAC, no rule shall be valid and enforceable until it is filed with the Administrative Law Division and published in the *New Mexico Register*. To ensure both requirements of 1.24.10.16(E) NMAC have been met, this rule will be effective no earlier than its publication in the *New Mexico Register* or thirty days from filing with the Administrative Law Division, whichever comes later.

A copy of the final rule amendment is attached to this notice.