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

IN THE MATTER OF:

No. WQCC 20-34

**STATEWIDE WATER QUALITY MANAGEMENT PLAN AND
CONTINUING PLANNING PROCESS**

**NEW MEXICO ENVIRONMENT DEPARTMENT'S
REQUEST FOR APPROVAL OF THE
STATEWIDE WATER QUALITY MANAGEMENT PLAN AND
CONTINUING PLANNING PROCESS**

Pursuant to the federal Clean Water Act and the New Mexico Water Quality Act, the New Mexico Environment Department (“Department”) requests the Water Quality Control Commission (“Commission”) approve the Statewide Water Quality Management Plan and Continuing Planning Process (“WQMP-CPP”).

Water Quality Management Plans “consist of initial plans produced in accordance with sections 208 and 303(e) of the [Clean Water Act] and certified and approved updates to those plans.” 40 C.F.R. § 130.6(a). Each state is required to “establish and maintain a continuing planning process (CPP) as described under section 303(e)(3)(A)-(H) of the [Clean Water Act].” 40 C.F.R. § 130.5(a). The WQCC “shall adopt a comprehensive water quality management program and develop a continuing planning process,” pursuant to NMSA 1978, Section 74-6-4(B). The WQMP-CPP (consolidated in 2011) is periodically reviewed in accordance with 40 C.F.R. 130.5 and 40 C.F.R. 130.6(e) and “updated as needed to reflect changing water quality conditions, results of implementation actions, new requirements or to remove conditions in prior conditional or partial plan approvals.” 40 C.F.R. 130.6(e). State “Continuing Planning Processes shall specify the process and schedule used to revise [Water Quality Management] plans.” 40 C.F.R. § 130.6(e).

Pursuant to the WQMP-CPP, 40 C.F.R § 130.5(a) and (c), and 40 C.F.R. 130.6(e), updates to the WQMP-CPP must be approved by the WQCC and the U.S. Environmental Protection Agency (“EPA”).

Following the direction by the Commission during its regularly scheduled public meeting held on June 9, 2020, at which the Department’s Surface Water Quality Bureau (“SWQB”) presented updates to the WQMP-CPP and corresponding appendices, the SWQB hereby submits additional amendments for consideration by the Commission at its July 14, 2020 regularly scheduled public meeting. The topics the Commission requested for Department review were: 1) watershed effects on surface water quality and planning; 2) climate change mitigation and adaptation in the Governor’s executive order; 3) MS4 permit process especially related to the Middle Rio Grande; and 4) potential effects on the SWQB of federal changes to the Waters of the U.S., including any planning or analysis on such impacts. The revised draft WQMP-CPP that includes additional amendments made from the Department’s review of the aforementioned topics is attached to this request as Exhibit A. Appendix A Antidegradation Policy Implementation Procedure for Regulated Activities is attached as Exhibit B. Appendix C Hydrology Protocol is attached as Exhibit C. Appendix C Hydrology Protocol Field Sheet is attached as Exhibit D. A cross-walk summarizing the additional amendments to the WQMP-CPP is attached as Exhibit E.

The Commission has the authority to approve the WQMP-CPP pursuant to 40 C.F.R. § 130.5(a) and (c), 40 C.F.R. § 130.6(a) and NMSA 1978, Section 74-6-4(B). Based upon the prior submittal addressed at its June 9, 2020 meeting and the amendments submitted with this request pursuant to Commission direction, the Department hereby requests that the Commission approve the updated WQMP-CPP, including appendices, as submitted.

Respectfully submitted,

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