

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

**IN THE MATTER OF: PROPOSED)
AMENDMENTS TO STANDARDS FOR)
INTERSTATE AND INTRASTATE)
WATERS, SECTION 20.6.4 NMAC.)
_____)**

Docket No. WQCC 20-51 (R)


NOTICE OF FILING CCW-GRIP CORRECTED EXHIBIT 1

Communities for Clean Water and the Gila Resources Information Project hereby submit the attached CCW-GRIP Corrected Exhibit 1 in this proceeding. CCW-GRIP Exhibit 1 shows the changes that these parties propose to the Standards for Interstate and Intrastate Waters, 20.6.4 NMAC. As originally filed, CCW-GRIP Exhibit 1 erroneously included two slightly different proposed definitions of the term “emerging contaminant.” Only the first proposed definition should have been included. The second proposed definition (at page 2, lines 8-13 of the original exhibit) has been deleted from the attached CCW-GRIP Corrected Exhibit 1. No other changes have been made to the exhibit.

The undersigned counsel apologizes for any confusion or inconvenience.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of July 2021, a copy of the foregoing Notice of Corrected Exhibit was sent by electronic mail to:

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1 COMMUNITIES FOR CLEAN WATER AND
2 GILA RESOURCES INFORMATION PROJECT
3 PROPOSED REVISIONS TO 20.6.4 NMAC
4
5

6 **20.6.4.6 NMA**

7 D. A further purpose of these ~~These~~ surface water quality standards is serve to address the inherent
8 threats to water quality due to climate change.
9

10 **20.6.4.7 NMAC**

11 C.(4) "Climate change" refers to any significant change in the measures of climate lasting for an
12 extended period of time, typically decades or longer, and includes major changes in temperature,
13 precipitation, wind patterns or other weather-related effects. Climate change is due primarily to
14 anthropogenic emissions of greenhouse gases into the atmosphere, in combination with ~~may be due to~~
15 natural processes ~~or human-caused changes of the atmosphere, or a combination of the two.~~
16

17 C.(7) "Emerging contaminants" ~~Contaminants of emerging concern" or "CECs" refer to water means~~
18 contaminants, including, but not limited to pharmaceuticals and ingredients in personal care products,
19 that may cause significant adverse ecological or human health effects at low concentrations. ~~CECs~~
20 Emerging contaminants are generally chemical compounds that, although suspected to potentially have
21 ~~impacts~~ adverse effects, may not have regulatory standards, and the concentrations to which ~~negative~~
22 ~~impacts~~ adverse effects are observed may not have ~~not~~ been fully studied. An emerging contaminant
23 may be a toxic pollutant if it falls within the definition of that term.
24 [Renumber as 20.6.4.7.E(3).]
25

26 S.(5) "Surface water(s) of the state" (i) means all surface waters situated wholly or partly within or
27 bordering upon the state, including ~~the following: (1) lakes, (2) rivers, (3) streams (including~~
28 ~~intermittent and ephemeral streams), (4) mudflats, (5) sandflats, (6) wetlands, (7) sloughs, (8)~~
29 ~~(8) prairie potholes, (9) wet meadows, (10) playa lakes, (11) reservoirs, and (12) natural~~
30 ponds.
31

32 (ii) The term also means all tributaries of such waters, including adjacent wetlands, any
33 manmade bodies of water that were originally created in surface waters of the state or resulted in the
34 impoundment of surface waters of the state, and any "waters of the United States" as defined under the
35 Clean Water Act that are not included in the preceding description.

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

43 T.(2) "Toxic pollutant" means those pollutants, or combination of pollutants, including disease-causing
44 agents, that after discharge and upon exposure, ingestion, inhalation or assimilation into any organism,

1 either directly from the environment or indirectly by ingestion through food chains, will cause death,
2 shortened life spans, disease, adverse behavioral changes, reproductive or physiological impairment or
3 physical deformations in such organisms or their offspring. The term includes the toxic pollutants listed
4 in the federal regulations at 40 CFR 401.15, and the groundwater quality regulations at 20.6.2.7.T(2)
5 NMAC as those lists may be amended.
6

7 **20.6.4.13 NMAC**

8 F. Toxic pollutants: (1) Except as provided in 20.6.4.16 NMAC, surface waters of the state shall be free of
9 toxic pollutants, ~~including but not limited to contaminants of emerging concern and those toxic~~
10 ~~pollutants listed in 20.6.2 NMAC~~, from other than natural causes in amounts, concentrations or
11 combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals,
12 fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms
13 for food, or that will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish and
14 other aquatic organisms to levels that will impair the health of aquatic organisms or wildlife or result in
15 unacceptable tastes, odors or health risks to human consumers of aquatic organisms.
16

17 **20.6.4.13 NMAC**

18
19 F. An emerging contaminant shall be monitored if it may be present in effluent or receiving waters.
20