

**MICHELLE LUJAN GRISHAM, GOVERNOR**James C. Kenney, Cabinet Secretary
Jennifer J. Pruett, Deputy Secretary**NEWS RELEASE***For Immediate Release***March 21, 2019***The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.***Contact:** Maddy Hayden, Communications Director
New Mexico Environment Department
505.231.8800 | maddy.hayden@state.nm.us**Environment Department seeks to withdraw from Waters of the U.S. lawsuit****SANTA FE** — The New Mexico Environment Department (NMED) filed a motion today in federal court in North Dakota to withdraw from litigation challenging the 2015 Waters of the U.S. (WOTUS) Rule.

NMED believes the positions taken in the 2015 lawsuit are inconsistent with its current position on the proposed rule issued by the U.S. Environment Protection Agency (EPA) in February, in which the EPA seeks to revise the definition of a “Water of the United States.”

“New Mexicans understand the value of water as a natural and cultural resource,” said Environment Department Secretary James Kenney. “Ephemeral streams, wetlands and groundwater are equally as important as the Rio Grande River. All of our state’s precious water resources must be afforded robust legal protections.”

The proposed definition of a “Water of the United States” would exclude 96 percent of New Mexico’s waters, including all ephemeral streams (those that contain water only during or in response to rainfall), some intermittent streams (those that contain water for only part of the year), groundwater, certain wetlands and more. If the proposed rule becomes law, EPA would no longer require federal Clean Water Act discharge permits from facilities that discharge pollutants into excluded surface waters.

Given that New Mexico is an arid state that receives approximately 15 inches of rain per year statewide, EPA’s proposed rule would disproportionately impact New Mexico’s waters. Combined with the effects of climate change, New Mexico’s waters may become more intermittent and therefore even less protected under this proposed rule.

EPA is accepting public comments on the newly proposed WOTUS rule through April 15. Additional information on the proposed rule and how to comment are available on [EPA’s website](#).

NMED is developing comments to submit to EPA on the 2019 WOTUS Rule.

###

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED’s non-discrimination programs, policies or procedures, you may contact:

Kristine Yurdin, Non-Discrimination Coordinator
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

###