

# New Mexico Environment Department Drinking Water Bureau

## Water Conservation Fund Annual Report for Fiscal Year 2024



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## Executive Summary

The *Water Conservation Fund (WCF) Report* summarizes State fiscal year (FY) 2024 expenditures and accomplishments delivered by the New Mexico Environment Department (NMED) Drinking Water Bureau (DWB). Established by legislation in 1993, the WCF charges the operator of a public water system (PWS) a fee of \$0.03 per thousand gallons of drinking water produced. The Taxation and Revenue Department (TRD) manages fee collection and deposits those fees into the WCF. NMED DWB administers expenditures from the WCF and provides sampling and laboratory analytical services to PWSs. These funds are utilized for Safe Drinking Water Act (SDWA) compliance sampling and reporting requirements for approximately 1,100 PWSs in New Mexico. The WCF ensures critical drinking water sampling is conducted in accordance with regulatory requirements, ensures water provided to New Mexicans by regulated public water systems is tested on a regular schedule, and ensures that New Mexico's drinking water is compliant with state and federal regulations.

In FY 2024 there was an overall expenditure from the WCF in the amount of \$1,233,514.07. The majority of FY 2024 expenditures provided a direct benefit to the PWSs by relieving them of entry point sampling costs and laboratory analytical costs. During FY 2024, 96% of expenses to the WCF were spent on laboratory analytical services, and 4% was spent on "other costs" such as rent, vehicles, supplies and equipment needed for implementation of the sampling program. These expenditures reflect that \$1,189,185.19, or 96%, of the WCF funds used in FY 2024 directly benefited public water systems through sampling and analytical services.

Approximately 73,091 monitoring results were reported to the DWB in FY 2024, with approximately 35,068 samples being paid for by the WCF. The DWB houses all sampling data in the Safe Drinking Water Information System (SDWIS) database, which is the primary means of communicating sampling and compliance data to the United States Environmental Protection Agency (EPA).

In FY 2024, NMED covered all required sampling costs through the WCF. NMED continues to work to ensure the long-term solvency of this important fund by exploring and implementing strategies to increase fund revenues and mitigate rising costs associated with inflation and regulatory changes that impact the required sampling at public water systems across New Mexico. Based on information available at the time of this report, NMED projects that drinking water testing costs for all samples will increase by approximately 7% over the next year due to increases in sample analysis costs at certified laboratories. Additionally, NMED expects that WCF financial obligations will also increase over the next three years to five years, due in large part to new monitoring requirements for lead, copper and emerging contaminants, such as per- and polyfluoroalkyl substances, a class of chemicals commonly known as PFAS. As NMED becomes more familiar with the specific sampling requirements for these new regulations, we may revise these projections to better reflect those sampling requirements for public water systems.

This report provides accountability and transparency on how NMED administers the WCF. The actual expenditures for FY 2024 and the benefits provided to public water systems throughout the State are described in this report.

## Introduction

The Water Conservation Fund (WCF) was established in 1993 and subsequently amended in 2013. The fund is administered by the New Mexico Environment Department (NMED) Drinking Water Bureau (DWB) for uses that are authorized within the legislation. The regulations pertaining to the Environmental Improvement Act [3.29.13 NMAC based on Section 74-1-13 New Mexico Statutes Annotated (NMSA) 1978] authorize a water conservation fee and created a fund to be administered by the NMED. The following describes the legislation and implementation of the WCF. Section 74-1-13 NMSA 1978 is provided in **Appendix A**.

Per 74-1-13 NMSA a water conservation fee is imposed upon every public water system (PWS) in the amount of \$0.03 per 1,000 gallons of water produced. The NMED administers the WCF to support PWS compliance with the federal Safe Drinking Water Act (SDWA) and NM Drinking Water Regulations. The WCF is primarily used to test public water supplies for regulated contaminants. All PWSs, with the exception of tribal and federally owned facilities, are subject to this fee. Tribal and federally owned PWSs must cover the costs of compliance sampling for their own facilities. Sampling and testing requirements are summarized in **Appendix B**.

Compliance sampling conducted under the WCF is completed in two ways. Samples at PWSs that are required to be collected at the water system entry point(s) are collected by the NMED DWB WCF Sampling Team. Samples that are required to be taken from within the PWSs distribution system are required to be collected by the PWSs certified operator or certified sampler. These samples are then analyzed by certified laboratories and the laboratories report the results of those samples to the PWS and the DWB.

In 2021 NMED DWB finalized the procedure used to create an annual list of contaminants for which analytical testing will be paid during each calendar year in accordance with State law. The procedure defines the processes that DWB uses to compile the list of contaminants based upon the availability of funds within the WCF, the needs of the public water systems, as well as public health considerations.

Per the procedure, the list of contaminants that will be paid by the WCF is provided to stakeholders and the New Mexico Municipal League in October each year. This allows PWSs to prepare for individual budget adjustments during the upcoming fiscal year. If NMED proposes to cut services during the next Calendar Year, NMED will open a 30-day comment period from the date the list is initially provided. The list of contaminants is finalized no later than October 31<sup>st</sup> and implemented January 1<sup>st</sup> the following calendar year.

As staffing resources allow, the DWB will work to memorialize this process through formal rulemaking before the Environmental Improvement Board as stated in the WCF statute Section 74-1-13 NMSA 1978, "The department shall establish by rule procedures to compile the list and to determine which contaminants that require testing will be tested in the subsequent twelve months."

Formalizing this process through rulemaking will allow for stakeholder participation and comment as required by the rulemaking process.

## 1.0 WCF Financial Overview for State Fiscal Year 2024

The following is an overview of revenue and expenditures for the WCF during FY 2023.

### 1.1 Revenues

Revenues for FY 2024 are summarized in Table 1.1.1. The fund balance is calculated at the end of each fiscal year. Any unspent funds are returned to the WCF and applied to the balance of the fund. At the start of FY 2024 the WCF balance was \$3,532,812. While revenue was fairly static from FY 2015 through FY 2020 during FY 2021 revenue increased by approximately 38%. During FY 2022 WCF revenue decreased by approximately \$246,000 or 8.2% from FY 2021 revenues. FY 2023 revenue increased by \$173,384.07, an increase of approximately 6% from the previous year. FY 2024 revenue decreased by \$92,721.06 or approximately 3.2% less than the previous year.

In addition to the revenues received through water production and usage at PWSs, the WCF at times collects a small amount of revenues that are received through Administrative Compliance Orders (ACO) issued to public water systems. An ACO and any associated penalties are issued when a PWS does not comply with regulatory requirements. There were no penalty revenues in FY 2024.

Table 1.1.1

Fiscal Year 2024 WCF Revenue	
Month	WCF Payment
July 2023	\$327,697.72
August	\$290,558.65
September	\$187,727.10
October	\$277,765.30
November	\$165,970.71
December	\$123,958.78
January 2024	\$172,761.83
February	\$167,330.87
March	\$193,384.86
April	\$217,706.23
May	\$302,845.60
June	\$380,592.12
<b>TOTAL Revenues</b>	<b>\$2,808,300</b>

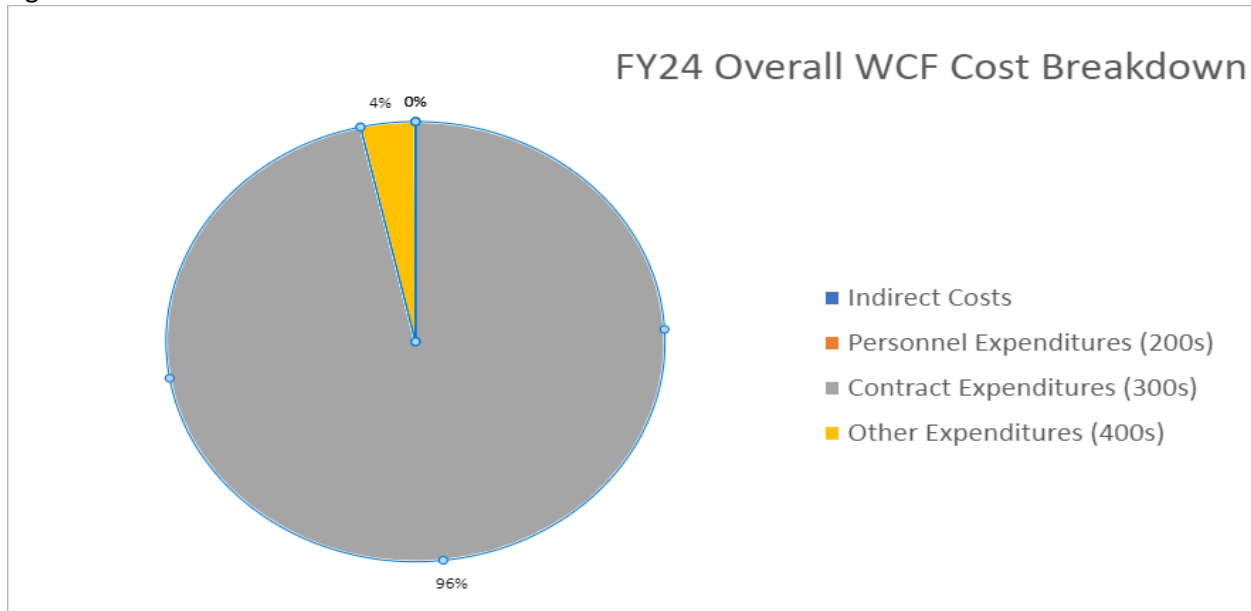
Table 1.1.2

Fiscal Year 2024 WCF Additional Revenue	
Month	WCF Payment
July 2023	\$0
August	\$0
September	\$0
October	\$0
November	\$0
December	\$0
January 2024	\$0
February	\$0
March	\$0
April	\$0
May	\$0
June	\$0
<b>TOTAL Revenues</b>	<b>\$0.00</b>

### 1.2 Expenditures

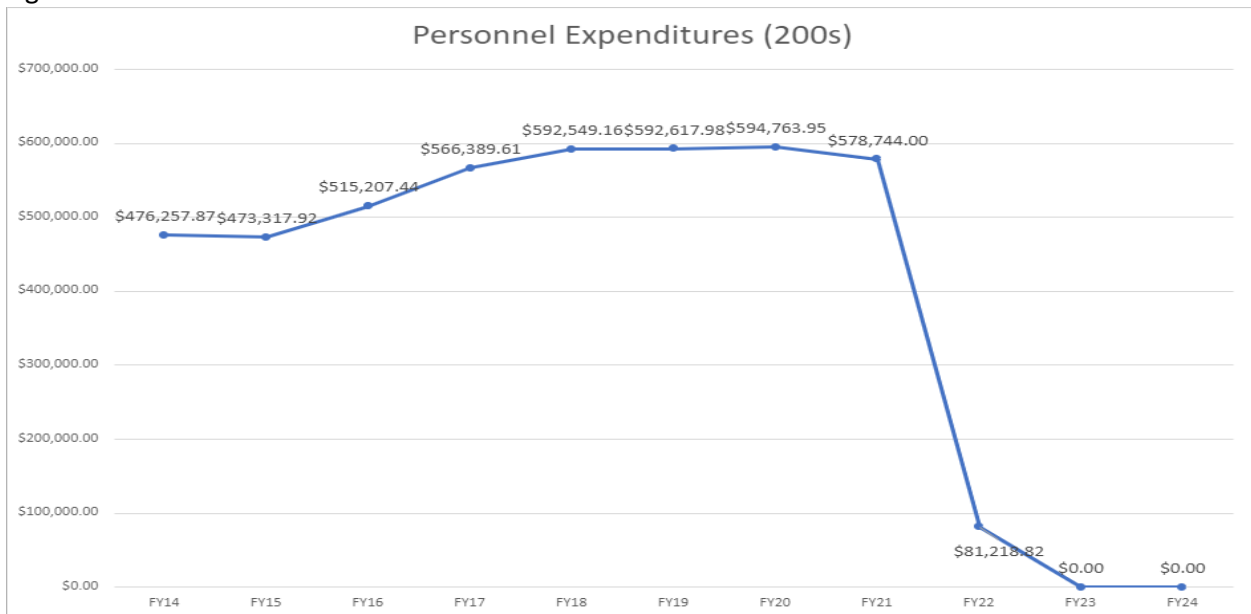
During FY 2024, 96% of WCF funds were used to directly benefit the public water systems through sampling and analytical services. FY 2024 expenditures of the WCF are broken down into four categories that are shown in Figure 1.2. The chart below does not include any data for Personnel Expenditures and Indirect costs, due to the fact that NMED was able to cover all WCF staff salaries with other general fund appropriations. This allowed NMED to use more WCF monies on sampling and analytical costs. Additional information on WCF Staff Salaries and benefits is included in paragraph 1.2.1. Additionally, Figure 1.2.1 through Figure 1.2.4 show the trend for each expense category.

Figure 1.2



1.2.1 Salaries and Benefits include the salaries of the WCF Manager and six (6) sampling staff, as well as partial salaries for three (3) support staff. Tasks include administration of the fund, sample planning and collection activities, report development, and administrative activities. Figure 1.2.1 shows a significant decrease in WCF dollars used for staff salaries beginning in FY 2022. This decrease is due to the availability of legislative appropriations secured by NMED to cover staff salaries. In FY 2024 there were no salary and benefit expenses charged to the WCF as they were covered by the reoccurring legislative appropriations and other available general funds in the amount of \$672,296.16.

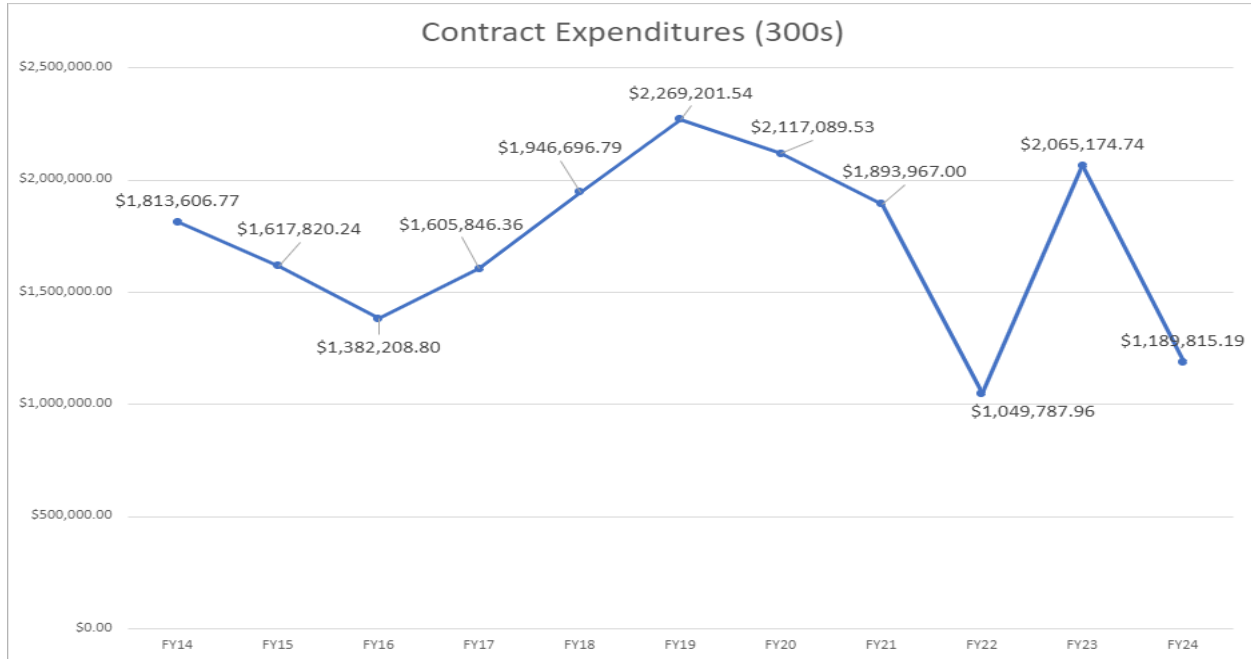
Figure 1.2.1



1.2.2 Laboratory Analytical Services are the water sampling analysis services provided by NMED contract laboratories and paid by the WCF. As with the Salaries and Benefits expenses noted in Figure

1.2.1, the Laboratory and Analytical Services expenses noted in Figure 1.2.2 show a significant decrease in WCF dollars used in FY 2022. This decrease is due to one-time special legislative appropriations secured by NMED to cover analytical expenses in FY 2022.

Figure 1.2.2.



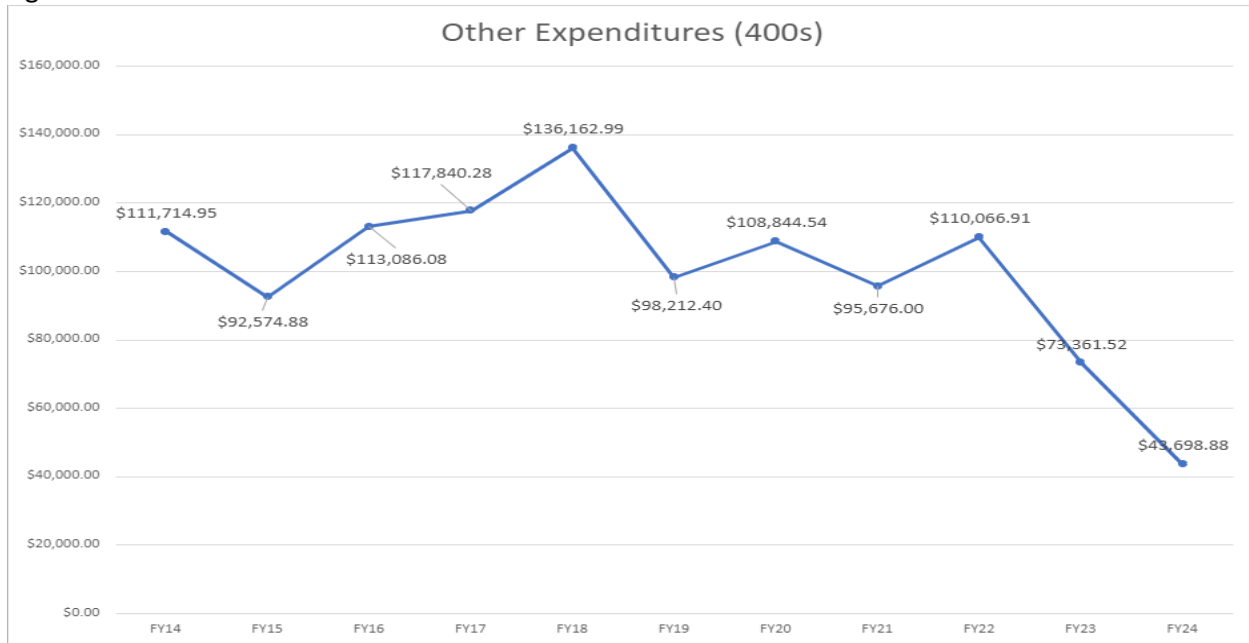
The laboratory contracts/price agreements/Memorandum of Agreement\* that were in place during FY 2023 include the following:

- Chemical Analysis for Drinking Water Price Agreement #10-66700-21-27669; executed 4/19/21, expires 4/18/25.
- Microbiological Water Testing Price Agreement #20-66700-22-27672, executed 6/6/22, expires 6/5/26.
- Microscopic Particulate Analysis for Drinking Water Price Agreement #20-66700-22-27673; executed 5/23/22, expires 5/22/26.
- Scientific Laboratory Division IGA No. 11-667-4000-0002 (SLD Fee Schedule for FY 2024).

\*The laboratory price agreements are agency specific price agreements and not considered statewide price agreements; therefore, public water systems are not allowed to utilize the pricing offered to the Drinking Water Bureau.

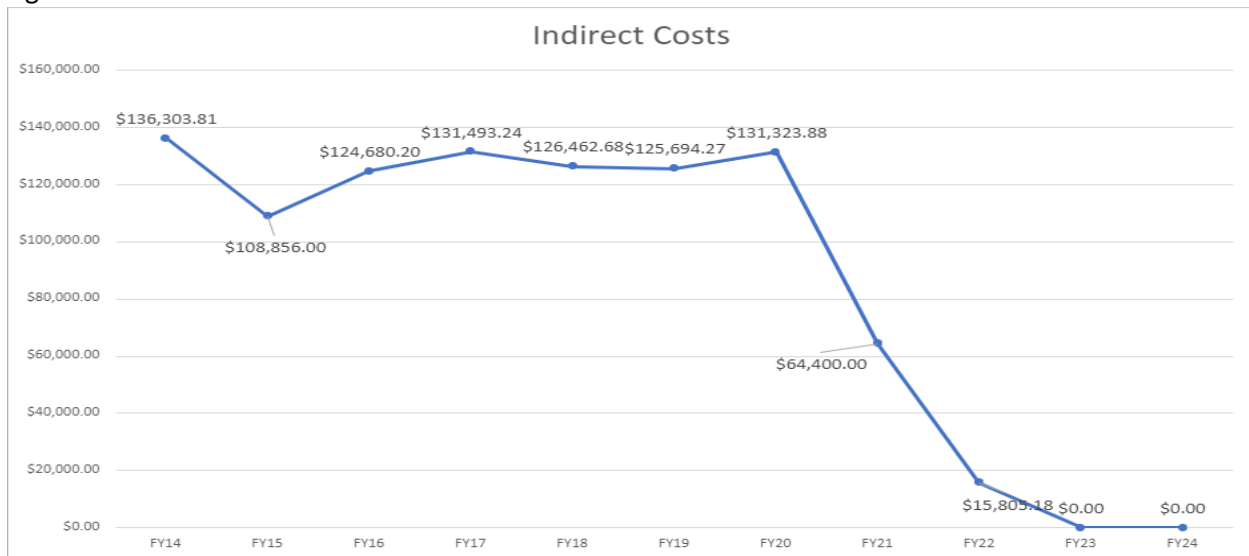
1.2.3 “Other” Expenses include costs such as rent, vehicles, gas, equipment, shipping, travel and other items that are required to carry out the services provided by the NMED WCF sampling program. While NMEDs 400s expenses within the WCF program were \$ 44,097.12, only \$43,698.88 of those expenses were paid by the Water Conservation fund. NMED supplemented \$398.24 of 400s expenses with other department funding like General Funds.

Figure 1.2.3



1.2.4 Indirect Costs are costs that are not directly attributable to a project such as various overhead, administrative, and information technology expenditures. The agency’s indirect cost rate is applied only to expenditures from the WCF for salaries and benefits (200s). During FY 2021, NMED reduced WCF indirect costs in order to minimize overhead charges to the fund as part of NMED’s efforts to ensure near-term solvency. In FY 2024 all of the WCF salary expenses were covered by legislative special appropriations and available general funds. This resulted in the indirect charges to the WCF being \$0.00 in FY 2024.

Figure 1.2.4

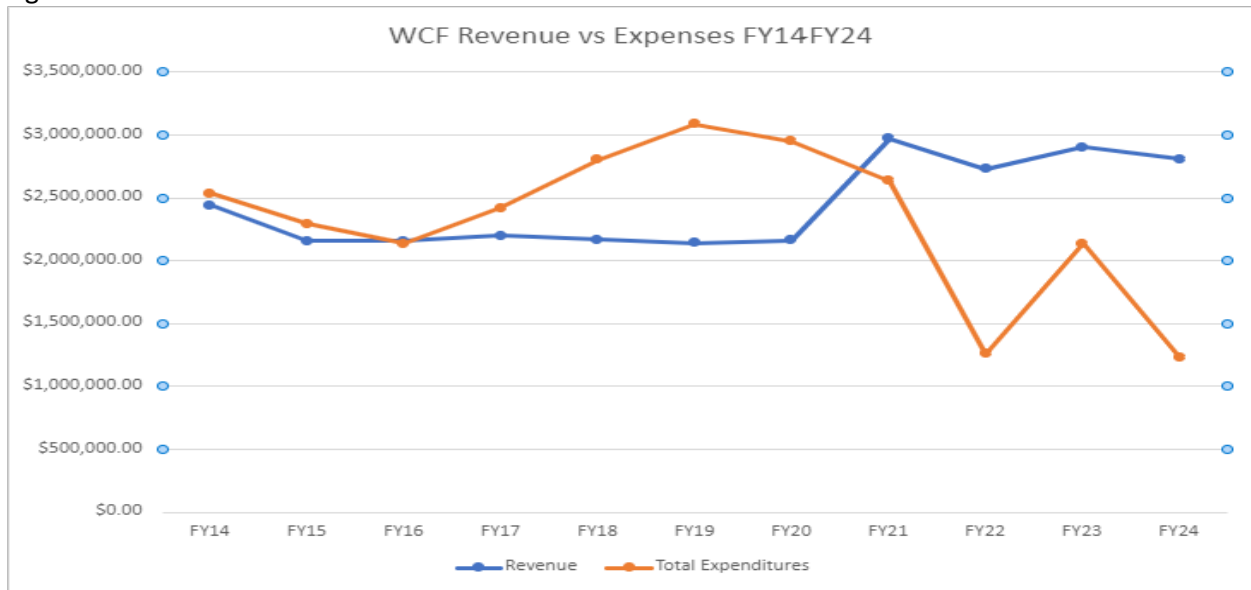


### 1.3 Water Conservation Fund Historical Data

Figure 1.3 provides historical WCF revenue and expense information for the period between FY 2014-FY 2024. These data show that the WCF revenues have been fairly stagnant while expenses have consistently increased since FY 2016.

During the 2021 legislative session a recurring appropriation of \$407,300 was awarded to assist in paying for WCF staff salaries. These appropriations contributed to an overall decrease in expenses being covered by the WCF in FY 2024.

Figure 1.3



## 2.0 Water Conservation Fund Implementation

Eligible activities implemented under the WCF include testing at PWSs for regulated contaminants, performing vulnerability assessments to assess a public water supply’s susceptibility to those contaminants, and implementing requirements of the Utility Operator Certification Act. Implementation activities and performance for those activities are described in the following sections.

### 2.1 Contaminant Testing for Public Water Supplies

The list of contaminants sampled during FY 2024 is included in **Appendix C**. This list includes contaminants that are included in the EPA’s National Primary and Secondary Drinking Water Standards. The federal SDWA and associated regulations specify the sampling requirements for each size and type of PWS, the regulated contaminants that are required to be sampled, the general location where the sample should be collected, and the timeframes in which the samples must be collected. In addition to the federal requirements, state regulations require the collection of radionuclides, arsenic, and fluoride at non-transient non-community systems, such as schools and hospitals.

#### 2.1.1 Monitoring and Reporting

Sample requirements and schedules are maintained in New Mexico’s Safe Drinking Water Information System (SDWIS) database. These schedules are very dynamic, and the sampling requirements constantly

evolve as water systems activate/inactivate sources; make changes to their water system infrastructure; add treatment; or make any other significant changes that require updates to the sampling schedules. These schedules are maintained in SDWIS with the collaborative efforts between DWB Compliance and Data staff. Sample schedule changes, as well as sampling results data can be easily accessed in the publicly available [New Mexico Drinking Water Watch](#) database.

To help manage these complex and dynamic compliance sampling schedules, DWB developed an online tool to assist with streamlining the chain of custody paperwork required as part of sample collection.

This tool is referred to as the [Sampler's Application](#) and pulls information directly from the sample schedule requirements that are maintained in SDWIS. This is done in order to ensure that each sample request form/chain of custody is filled out completely and accurately. Chain of Custody information is critical to ensure that sampling data are reported accurately to the DWB and that PWSs maintain compliance with regulatory requirements. The maintenance and upgrades of this tool are funded through the WCF because the tool is an essential component to implementation of WCF sampling activities for both the DWB and PWSs. PWS certified samplers and operators are also encouraged to use this sampler's application tool in order to generate laboratory chain of custody forms for their water systems.

### *2.1.2 WCF Sampling Team Performance*

The DWB's WCF Sampling Team ensures quality completion of all sampling requirements. Ensuring quality sample collection reduces the number of rejected samples that require re-collection due to sampler error or failure to meet quality assurance/quality control requirements, such as holding times between sample collection and delivery to the lab. Although regulatory monitoring services are performed by the DWB Sampling Team, the regulated PWSs are responsible for ensuring the sampling is completed and the results of those samples are reported to the DWB.

### *2.1.3 Laboratory Performance*

In addition to ensuring that all required entry point samples are collected, the DWB WCF Manager ensures that the expenditures of the WCF are efficient and provide the maximum sampling and analytical services to PWSs in New Mexico. Sampling requirements may be met but still result in monitoring violations when laboratory performance is deficient. Examples of this include a sample being submitted and not analyzed within the required sample hold times or if results are not reported to DWB within the required timelines. DWB has instituted managerial controls to increase DWB efficiency in dollars spent on laboratory services and continues to expand and monitor controls to ensure maximum laboratory performance. Laboratory contract scopes of work are written so that regulatory reporting requirements, such as sample point location description and data delivery, are met prior to payment. Samples submitted to the laboratory that do not meet requirements such as temperature limits, holding time exceedances, chain of custody requirements, etc., are rejected for analysis by the laboratory. DWB continues to institute safeguards and collaborative efforts with certified laboratories to ensure the highest level of laboratory analytical and quality as possible.

## **2.2 Vulnerability Assessments**

Vulnerability assessments are defined differently by various entities. The WCF uses this term to describe the assessment of a PWSS vulnerability to contamination of its drinking water source(s), also commonly referred to as a source water assessment. This includes identifying potential sources of contamination to each of a system's drinking water sources. This enables a PWS to determine proactive measures to prevent any contamination from occurring, thereby preserving and protecting its drinking water sources.

2.2.1 Monitoring Waivers

Another mechanism to maximize the efficacy of the WCF is NMED’s ability to process chemical monitoring waivers. The DWB’s waiver program allows the State to reduce a PWSS sampling obligations by reviewing water and geological characteristics in accordance with guidelines set forth by the EPA. Site-specific waivers are issued by NMED after application of EPA and State criteria demonstrates the drinking water source is not susceptible to a particular contaminant, or a specific set of contaminants. If approved, a water system can forgo sampling of the waived chemical(s) for various monitoring periods without creating a public health risk. Simply stated, a waiver avoids costly sample collection and analysis for a chemical that is not a concern at a particular water system based on a site-specific scientific review.

The estimated financial savings as a result of approved waivers is calculated based on the calendar year that the waiver is approved. Waivers exempt the sampling requirements for a calendar year-based sample schedule, *i.e.*, quarterly, annually, triennially, and six- and nine-year schedules. Reporting in this manner is an effective and consistent method to estimate cost savings accrued as a result of the waiver program even though the actual cost savings from a waiver granted in 2024 may be realized over three subsequent years.

Table 2.2 documents the number of waivers approved during FY 2024 for the 2023-2025 compliance period, and the estimated analytical cost savings related to the waiver approvals. Based on these approved waivers, the DWB has saved the WCF approximately \$578,539 during the 2023-2025 compliance period.

Table 2.2

<b>Waivers Approved for the 2023-2025 Compliance Period</b>	
<b>Dioxin</b>	
# Samples/Suites Waived	688
Approximate Cost Per Sample/Suite	\$300
Estimated Savings	\$206,400
<b>Inorganic Compounds</b>	
# Samples/Suites Waived	29
Approximate Cost Per Sample/Suite	\$241
Estimated Savings	\$6,989
<b>Synthetic Organic Contaminants Suite</b>	
# Samples/Suites Waived	297
Approximate Cost Per Sample/Suite	\$1,214
Estimated Savings	\$360,558
<b>Volatile Organic Contaminants Suite</b>	
# Samples/Suites Waived	41
Approximate Cost Per Sample/Suite	\$112
Estimated Savings	\$4,592
<b>*Total Estimated Savings for 2023-2025</b>	<b>\$578,539</b>

\*Reflects approximate savings during the 2023-2025 compliance period with the savings spread across the 3-year monitoring period.

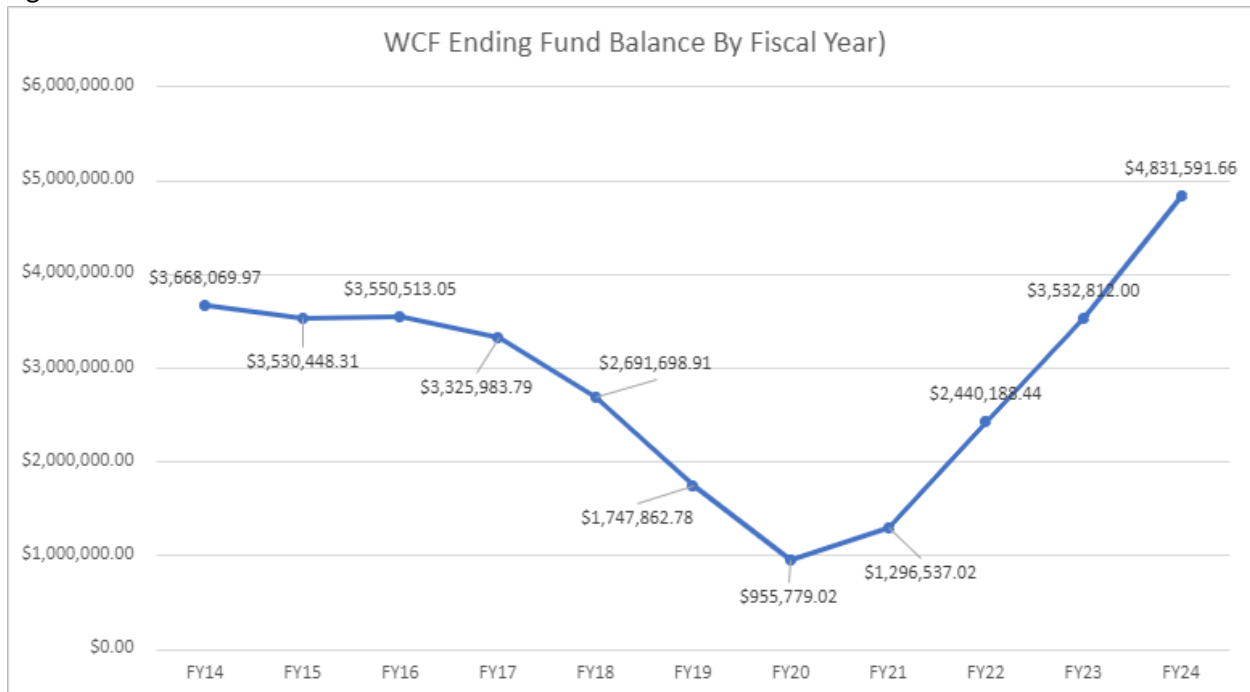
### 3.0 WCF Outlook

Since 1993 the WCF has benefited hundreds of public water systems by supporting their essential work and supplying safe drinking water to New Mexicans through sampling and analytical services. Initially set at a rate of \$0.03 per thousand gallons of water produced, the Fund’s fee has not been increased since it was established in 1993.

As indicated in Table 3.0 the WCF’s reserves have decreased significantly between FY 2014 and FY 2020. This is due to escalating expenses associated with increased compliance sampling requirements, increased laboratory analysis costs, salary increases, etc., as well as stagnant annual WCF revenues. While revenue was fairly static from FY 2015 through FY 2020 during FY 2021 revenue increased by approximately 38%. However, during FY 2022 WCF revenue decreased by approximately \$246,000, or -8.2% from FY 2021 revenues. Between FY 2014 and FY 2020 WCF had outspent its revenues by an average of just over \$400,000 per year. Since FY 2021 with DWB’s management of the fund, revenues have exceeded expenses charged to the fund by an average of just over \$1,000,000 per year. This has only been possible by NMED leveraging other funding sources like general funds to help offset WCF expenses.

NMED also supplemented staff salaries in the amount of \$672,296.16 using general funds, laboratory and analytical expenditures by \$1,055,576.20 in general funds, and \$398.24 for other expenses to support the WCF in FY 2024. The steps taken by NMED since FY2021 to increase WCF revenues, decrease expenses, and supplement the fund with legislative appropriations and general funds has significantly improved the health of the fund. While the health of the fund is much better now than it was in previous years, the increase in sampling and analytical costs, as well as significant regulatory changes, still threatens the solvency of the fund in future years.

Figure 3.0



In FY 2022 NMED received its first ever base budget appropriation from the legislature to offset WCF expenditures for drinking water sampling. During FY 2024 this recurring base budget increase from the general fund has continued to help close the gap where WCF program expenditures exceed WCF revenue.

Growing a reserve balance in the WCF is an NMED priority in order to prepare for increased drinking water sampling costs in 2025 and future years associated with new federal requirements to protect public health. NMED projects that drinking water testing costs for all samples will increase by approximately 7% over the next year due to increases in sample analysis costs at certified laboratories. Additionally, NMED expects that WCF financial obligations will also increase over the next three years to five years, due in large part to new monitoring requirements for lead, copper and emerging contaminants, such as per- and polyfluoroalkyl substances, a class of chemicals commonly known as PFAS.

#### **4.0 Conclusion**

As indicated by this report, PWSs and their consumers continue to receive a significant number of benefits from the WCF. The WCF provides for the protection of public health by testing PWSs for contaminants throughout the State. Work conducted under the WCF is carried out efficiently and accurately with a high level of quality performance. These activities help ensure a safe, clean drinking water supply for New Mexico residents and visitors.

During FY 2024 the WCF was supplemented by funding that was appropriated by the New Mexico Legislature. If not for those supplemental funds, the overall health of the WCF would continue to suffer from the insufficient revenues that are needed to meet the expenses to the fund. In FY 2024, NMED covered all required sampling costs through the WCF. NMED continues working to ensure the long-term solvency of this important fund by exploring and implementing strategies to increase fund revenues and mitigate increased costs.

If you have comments or questions about this report, please contact: Bethany Anderson, Water Conservation Fund Manager, [Bethany.Anderson@env.nm.gov](mailto:Bethany.Anderson@env.nm.gov), (505) 469-3204.

## Appendix A: Water Conservation Fund Statute

<https://nmonesource.com/nmos/nmsa/en/item/4415/index.do#!b/74-1-13>

### 74-1-13. Water conservation fee; imposition; definitions.

A. There is imposed on every person who operates a public water supply system a water conservation fee in an amount equal to three cents (\$.03) per thousand gallons of water produced on which the fee imposed by this subsection has not been paid.

B. The "water conservation fund" is created in the state treasury and shall be administered by the department. The fund shall consist of water conservation fees collected pursuant to this section. Balances in the fund at the end of any fiscal year shall not revert to the general fund but shall accrue to the credit of the fund. Earnings on the fund shall be credited to the fund.

C. Money in the water conservation fund is appropriated to the department for administration of a public water supply program to:

(1) test public water supplies for the contaminants required to be tested pursuant to the provisions of the federal Safe Drinking Water Act, as amended, and collect chemical compliance samples as required by those provisions of the federal act;

(2) perform vulnerability assessments that will be used to assess a public water supply's susceptibility to those contaminants; and

(3) implement new requirements of the Utility Operators Certification Act [Chapter 61, Article 33 NMSA 1978] and provide training for all public water supply operators.

D. The taxation and revenue department shall provide by regulation for the manner and form of collection of the water conservation fee. All water conservation fees collected by the taxation and revenue department, less the administrative fee withheld pursuant to Section 7-1-6.41 NMSA 1978, shall be deposited in the water conservation fund.

E. The fee imposed by this section shall be administered in accordance with the provisions of the Tax Administration Act [Chapter 7, Article 1 NMSA 1978] and shall be paid to the taxation and revenue department by each person who operates a public water supply system in the manner required by the department on or before the twenty-fifth day of the month following the month in which the water is produced.

F. Each operator of a public water supply system shall register and comply with the provisions of Section 7-1-12 NMSA 1978 and furnish such information as may be required by the taxation and revenue department.

G. The department shall compile a list of the contaminants that require testing pursuant to Paragraph (1) of Subsection C of this section. The list shall be compiled no less than once every twelve months and include the contaminants that will be tested in the subsequent twelve months. The department shall establish by rule procedures to compile the list and to determine which contaminants that require testing will be tested in the subsequent twelve months. The determination of which contaminants will be tested shall include consideration of the availability of funds in the water conservation fund, the needs of the public water supplies being tested for additional contaminants and public health and safety.

H. As used in this section:

(1) "person" means any individual or legal entity and also means, to the extent permitted by law, any federal, state or other governmental unit or subdivision or an agency, department or instrumentality thereof; and

(2) "public water supply system" means a system that provides piped water to the public for human consumption and that has at least fifteen service connections or regularly services an average of at least twenty-five individuals at least sixty days per year.

**History:** Laws 1993, ch. 317, § 2; 1997, ch. 125, § 11; 2013, ch. 128, § 1.

#### ANNOTATIONS

**Cross references.** — For the federal Safe Drinking Water Act, *see* 21 U.S.C. § 349 and 42 U.S.C. § 300f et seq.

**The 2013 amendment**, effective June 14, 2013, required the department of environment to compile a list of contaminants that will be tested in the succeeding twelve months; in Paragraph (1) of Subsection C, after "pursuant to the provisions of", deleted "Section 1412 of" and after "Drinking Water Act, as", deleted "finalized through July 1, 1992" and added "amended"; in Subsection D, in the second sentence, after "Section", deleted "1 of this 1997 act" and added "7-1-6.41 NMSA 1978"; and added Subsection G.

**The 1997 amendment**, effective July 1, 1997, substituted "as" for "and" in Paragraph (1) of Subsection C and inserted "less the administrative fee withheld pursuant to Section 1 of this 1997 act" in Subsection D.

**Temporary provisions.** — Laws 1999, ch. 203, § 5, effective April 6, 1999, provides that the balance in the water supply fund is transferred to the water conservation fund on April 6, 1999.

#### 74-1-13.1. Nontransient noncommunity public water systems; definition; testing and notice requirements.

A. The department of environment shall test nontransient noncommunity water systems for arsenic, fluoride and radionuclides and adopt rules for reporting and public notification for those contaminants comparable to reporting and notification requirements for community water systems. Money in the water conservation fund may be used to fulfill the requirements of this subsection.

B. As used in this section:

(1) "community water system" means a public water system that serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents; and

(2) "nontransient noncommunity water system" means a public water system that is not a community water system and that regularly serves at least twenty-five of the same persons over six months per year including but not limited to schools and factories.

**History:** Laws 2001, ch. 148, § 1.

#### ANNOTATIONS

**Effective dates.** — Laws 2001, ch. 148 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective June 15, 2001, 90 days after adjournment of the legislature.

**Appendix B: Summary of Sampling and Testing Requirements**

*Entry Point Sampling Requirements							
Contaminant	Population	Ground Water			Surface Water		
Asbestos	All	1 sample every 9 Years Sample must be collected during first 3-years of each compliance period			1 sample every 9 Years Sample must be collected during first 3-years of each compliance period		
Nitrate-Nitrite	All	1 sample per Year			1 sample per Year		
Cyanide	All	1 sample per 3 Years			1 sample per Year		
Fluoride	All	1 sample per 3 Years			1 sample per Year		
Heavy Metals	All	1 sample per 3 Years			1 sample per Year		
Radionuclides	All	3, 6, or 9 Years					
Volatile Organic Contaminants	All	1 sample per 3 Years			1 sample per Year		
Synthetic Organic Contaminants	≤ 3,300	1 sample per 3 Year Cycle					
	> 3,300	2 samples per 3 Year Cycle					
Distribution Sampling Requirements							
Contaminant	Population	Ground Water			Surface Water		
Lead and Copper (Pb/Cu)	Varies	Variable Sampling Requirements					
		Annually for 3 years, then once every 3 years					
Disinfection Byproducts	Varies	Variable by system			Variable by system		
Total Coliform	Population	C	NTNC	TNC	C	NTNC	TNC
	≤ 1000	1 sample per Month			1 sample per Month		
	> 1000	Variable sample requirements based on system population					
<p><u>Note:</u> This summary reflects basic sample requirements without any baseline or increased or decreased requirements.                      TNC system type only collects Nitrate; full sample suites are collected at all other system types.                      *Entry Point is the point where drinking water enters the distribution system and is available for consumption by consumers</p>							

**Appendix C: List of contaminants sampled during FY 2024**

<b>CONTAMINANTS TESTED AT PUBLIC WATER SYSTEMS IN NEW MEXICO</b>		
<b><u>Volatile Organic Chemicals (VOCs)</u></b>	<b><u>Synthetic Organic Chemicals (SOCs)</u></b>	<b><u>Inorganic Chemicals</u></b>
1,1,1-TRICHLOROETHANE	1,2-DIBROMO-3-CHLOROPROPANE	ANTIMONY, TOTAL
1,1,2-TRICHLOROETHANE	2,3,7,8-TCDD [DIOXIN]	ARSENIC
1,1-DICHLOROETHYLENE	2,4,5-TP (SILVEX)	BARIUM
1,2,4-TRICHLOROBENZENE	2,4-D	BERYLLIUM, TOTAL
1,2-DICHLOROETHANE	ALACHLOR (LASSO)	CADMIUM
1,2-DICHLOROPROPANE	ATRAZINE	CHROMIUM
BENZENE	BENZO(A)PYRENE	COPPER*
CARBON TETRACHLORIDE	CARBOFURAN	CYANIDE
CHLOROBENZENE	CHLORDANE	FLUORIDE*
CIS-1,2-DICHLOROETHYLENE	DALAPON	LEAD
DICHLOROMETHANE	DI(2-ETHYLHEXYL) ADIPATE	MERCURY
ETHYLBENZENE	DI(2-ETHYLHEXYL) PHTHALATE	NICKEL
O-DICHLOROBENZENE (1, 2 DICHLORO)	DINOSEB	NITRATE
P-DICHLOROBENZENE (1, 4 DICHLORO)	DIQUAT	NITRATE-NITRITE
STYRENE	ENDOTHALL	NITRITE
TETRACHLOROETHYLENE	ENDRIN	SELENIUM
TOLUENE	ETHYLENE DIBROMIDE	SODIUM
TRANS-1,2-DICHLOROETHYLENE	GLYPHOSATE	THALLIUM, TOTAL
TRICHLOROETHYLENE	HEPTACHLOR	
VINYL CHLORIDE	HEPTACHLOR EPOXIDE	
XYLENES, TOTAL	HEXACHLOROBENZENE	
	HEXACHLOROCYCLOPENTADIENE	
	LINDANE (BHC-GAMMA)	
	METHOXYCHLOR	
	OXAMYL (VYDATE)	
	PENTACHLOROPHENOL	
	POLYCHLORINATED BIPHENYLS	
	PICLORAM	
	SIMAZINE	
	TOXAPHENE	
<b><u>Disinfectant/Disinfection Byproducts</u></b>	<b><u>Radionuclides</u></b>	<b><u>Secondary's/Water Quality Parameters</u></b>
BROMATE	38-STRONTIUM-90	ALKALINITY, BICARBONATE
BROMIDE	COMBINED RADIUM	ALKALINITY, CARBONATE
BROMODICHLOROMETHANE	COMBINED URANIUM	ALKALINITY, TOTAL
BROMOFORM	GROSS ALPHA, EXCL. RADON & U	ALUMINUM*
CHLORITE	GROSS ALPHA, INCL. RADON & U	CARBON, TOTAL ORGANIC
CHLOROFORM	GROSS BETA PARTICLE ACTIVITY	CHLORIDE*

DIBROMOACETIC ACID	RADIUM-226	COLOR*
DIBROMOCHLOROMETHANE	RADIUM-228	CORROSIVITY*
DICHLOROACETIC ACID	TRITIUM	FOAMING AGENTS (Surfactants)*
MONOBROMOACETIC ACID	URANIUM-234	IRON*
MONOCHLOROACETIC ACID	URANIUM-238	MANGANESE*
TOTAL HALOACETIC ACIDS		ODOR*
TRICHLOROACETIC ACID		pH*
TOTAL TRIHALOMETHANES (TTHMs)		SILVER*
CARBON, DISSOLVED ORGANIC		SULFATE*
U-254 for SUVA		ZINC*
<b><u>Microbiological</u></b>		
TOTAL COLIFORM (Routine samples only)		
<i>E. COLI</i>		
CRYPTOSPORIDIUM/GIARDIA		

\*National Secondary Drinking Water Standards, all others are National Primary Drinking Water Standards