Water Quality Control Commission
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STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PROPOSED AMENDMENTS TO 20.6.4 NMAC – ***Standards for Interstate and Intrastate Surface Waters*****,** **NO. WQCC 25-75 (R)**

NEW MEXICO ENVIRONMENT DEPARTMENT,

PETITIONER.

FIRST AMENDED PETITION FOR REGULATORY CHANGE
TO ADOPT AMENDMENTS TO 20.6.4 NMAC

Pursuant to Section 74-6-4(D) of the New Mexico Water Quality Act, NMSA 1978, §§ 74-6-1 to -17, and 20.1.6.200 NMAC, the Water Protection Division of the New Mexico Environment Department (Department) files this *First Amended Petition* to the Water Quality Control Commission (Commission) to consider and adopt proposed amendments to certain portions of the Commission's regulations at 20.6.4 NMAC, titled "Standards for Interstate and Intrastate Surface Waters" (Standards).

The federal Water Pollution Control Act (also known as the "Clean Water Act"), 33 U.S.C. §§ 1251 to 1389, and related federal regulation at 40 CFR § 131.20 requires the Governor of a State or the State water pollution control agency of the State to, at least once every three years, hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. *See* 33 U.S.C. § 1313(c)(1) (also known as Section 303 of the Clean Water Act). The Commission's regulations at 20.6.4.10(A) NMAC track the requirements of Section 303 of the Clean Water Act and related federal regulations. This rulemaking process is generally known as the "Triennial Review".

The Department submits its *First Amended Petition* to include revisions to and to update the Department's proposed rule following the Department's consideration of public comment and feedback. The Department filed its original Petition with the Commission on November 26, 2025.

Newly Proposed Amendments & Updated Statement Of Reasons

Pursuant to 20.1.6.200(B), an updated statement of reasons is included as Attachment 1 to this *First Amended Petition*. Included as Attachment 2 is a copy of the entire rule, including the proposed regulatory change, as also required by 20.1.6.200(B) NMAC. For illustrative purposes, Attachment 3 excerpts those subsections for which the Bureau now proposes updated amendments, with the updated proposed amendment language provided in "greenline", previously proposed amendments in redline, and existing regulatory language in black text.

The revisions listed below cite to the applicable section of the NMAC to correspond with the proposed amendments in Attachment 2, and are summarized as follows:

1. **20.6.4.7(A)(7) NMAC** – Included new language to further clarify person's financial responsibilities related to rulemaking costs.
2. **20.6.4.7(C)(9) NMAC** – Amend the definition of "Criteria" to clarify that this applies to "a waterbody", as opposed to "water" in general.
3. **20.6.4.7(E)(3) NMAC, 20.6.4.7(I)(2) NMAC, 20.6.4.7(P)(2) NMAC, 20.6.4.10(G)(8)(e) NMAC, 20.6.4.10(I)(1)(a) NMAC, 20.6.4.10(I)(2) NMAC, 20.6.4.10(I)(4)(a) NMAC, 20.6.4.15(D)(2) NMAC** – Replace the terms "water body" with "waterbody" to provide consistency throughout the rule. Waterbody is the more commonly used term in technical/scientific writing.
4. **20.6.4.8(A)(2) NMAC, 20.6.4.8(A)(3)(a)(ii) NMAC, 20.6.4.8(A)(3)(d) NMAC, 20.6.4.8(A)(4)(a)(ii) NMAC, 20.6.4.8(A)(4)(b)(ii) NMAC, 20.6.4.8(B)(13) NMAC, 20.6.4.8(B)(17) NMAC** – Amend to correct references to "best management practices or BMPs" and include a new Subsection to direct NMED to maintain a list of outstanding natural resource waters (ONRWs) where impairment has been documented, including potential sources of the impairment.

5. **20.6.4.15(D)(2)(b) – (d) NMAC** – Revise language to clarify that these provisions apply to "a waterbody", as opposed to "water" in general.
6. **20.6.4.10(G)(3) NMAC, 20.6.4.10(G)(4) NMAC, 20.6.4.10(G)(6) NMAC** – Removed proposed language related to the Department's "review" or "approval" of workplans for Site-Specific Criteria to provide clarity to the process and remain consistent with other rulemaking procedures and Department authorities.
7. **20.6.4.213 NMAC** - The Department withdraws the proposal to amend this Section based on proposed management changes at this lake under consideration at this time.
8. **20.6.4.900(D) NMAC** – Revised this Subsection for clarity of applicable criteria, consistency with the assessment process, and ease of use for the Department's staff. Also reorganized Subsection consistent with surrounding subsections and removed reference to reporting as it was redundant given existing definitions of "cfu/100 mL" and "MPN/100 mL" at 20.6.4.7(A)(4) NMAC.
9. **20.6.4.900(E) NMAC** – Revised this Subsection for consistency with the other subsections within Section 900 and to assist staff in applying the standards.
10. **20.6.4.900(H) NMAC** – Revised this Subsection for consistency with other subsections within Section 900 and to assist staff in applying the standards.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *First Amended Petition for Regulatory Change to Adopt Amendments to 20.6.4 NMAC* was emailed to the following on June 2, 2026:

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Attachment 1

STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PROPOSED AMENDMENTS TO 20.6.4 NMAC – ***Standards for Interstate and Intrastate Surface Waters*****,** **NO. WQCC 25-75 (R)**

NEW MEXICO ENVIRONMENT DEPARTMENT,

PETITIONER.

UPDATED **DRAFT STATEMENT OF REASONS FOR**
PROPOSED AMENDMENTS TO 20.6.4 NMAC

The New Mexico Environment Department ("Department") Surface Water Quality Bureau ("Bureau") proposes the adoption of amendments to 20.6.4 New Mexico Administrative Code ("NMAC") – Standards for Interstate and Intrastate Surface Waters ("Standards") for the following reasons:

1. In the Definitions section (20.6.4.7 NMAC), the Department proposes to add a definition for "administrative rulemaking costs". This definition provides clarity and examples of the types of costs to be paid by the petitioner in a rulemaking, as the term is applied to these regulations.

2. In the Definitions section (20.6.4.7 NMAC), the Department proposes to amend language to:

a. "4Q3" to add the terms "hydrologically based" to clarify that the calculation utilized in New Mexico is hydrologically based;

b. "Abbreviations" to add new abbreviations to capture the units used for aquatic life sampling for proposed Selenium and PFAS criteria and existing Mercury criteria.

c. "Criteria" to clarify that the term applies to a "waterbody" and its designated use(s).

d. "Ephemeral" to revise "water body" to "waterbody" to standardize the use of the term throughout the rule consistent with common practice in technical or scientific writing.

e. "Intermittent" to revise "water body" to "waterbody" to standardize the use of the term throughout the rule consistent with common practice in technical or scientific writing.

f. "Perennial" to revise "water body" to "waterbody" to standardize the use of the term throughout the rule consistent with common practice in technical or scientific writing.

g. "public water supply" to provide the correct citation to federal regulations and require treatment for drinking water with surface water or ground water sources.

h. "wetlands" to clarify and further define this term to include the important functions of wetlands and to allow for implementation of the Bureau's administrative programs. Additionally, the definition coincides with the proposed narrative criteria for wetlands in subsection 20.6.4.13(N) NMAC.

3. The Department proposes to move the definition for "temporary standard" from 20.6.4.10(H)(12) to the Definitions section (specifically, 20.6.4.7(T)(1) NMAC) to conform to State Records Center and Archives (SRCA) formatting guidelines.

4. In the Antidegradation Policy and Implementation Plan section (20.6.4.8 NMAC), the Department proposes new antidegradation language to incorporate wetlands antidegradation provisions to coincide with the new wetlands subsection at 20.6.4.13(N) NMAC. The Department equates loss of wetland condition (i.e., acreage or functions) to degradation and proposes language consistent with each Tier to provide wetland protections under New Mexico's antidegradation policy. The Department also proposes to correct first and subsequent references to "best management practices (BMPs)" and include new language to clarify NMED will maintain a list of outstanding natural resource waters (ONRWs) where impairment has been documented.

5. In the Review of Standards; Need for Additional Studies section (20.6.4.10 NMAC), the Department proposes to add a new subsection to clarify who may petition the WQCC and provide examples of types of rulemakings. The Department further clarifies that the petitioner shall be responsible for payment of administrative rulemaking costs in the various types of rulemakings and shall coordinate with the Department and WQCC administrator.

6. In the Review of Standards; Need for Additional Studies section (20.6.4.10 NMAC), the Department proposes to add work plan requirements for entities outside of the Department for deriving site-specific criteria. This proposal aims to improve communication and outline responsibilities between the Department and the third party, however, workplans will not be formally approved.

7. In the Review of Standards; Need for Additional Studies section (20.6.4.10 NMAC), the Department proposes to move the definition for "temporary standard" to the Definitions section (20.6.4.7 NMAC) to conform with SRCA guidelines.

8. In the Review of Standards; Need for Additional Studies section (20.6.4.10 NMAC), the Department proposes to revise "water body" to "waterbody" to standardize the use of the term throughout the rule, consistent with common practice in technical or scientific writing.

9. In the Applicability of Water Quality Standards section (20.6.4.11 NMAC), the Department proposes to amend language to remain consistent with Limited Aquatic Life Designated Use language at 20.6.4.900(H)(7) NMAC.

10. In the Compliance with Water Quality Standards section (20.6.4.12 NMAC), the Department proposes to amend language to acknowledge that New Mexico's water quality standards at 20.6.4.900(I) NMAC contain numeric criteria calculations that are dependent on more than concurrent hardness as input values. The Department also proposes adding a statement regarding default input values when collection of concurrent data is not feasible and default values are justified and supported.

11. In the General Criteria section (20.6.4.13 NMAC), the Department proposes a new subsection (N) to provide explicit water quality protections for New Mexico's wetlands. Wetlands are unique surface waters that provide important environmental, economic, and social benefits, such as water purification, flood control, groundwater recharge, climate change mitigation, recreation and tourism, infrastructure protection, and crucial habitat for fish, birds, mammals, and other wildlife. These benefits are the result of the unique characteristics of wetlands; however, New Mexico has lost over 50% of its wetlands. Wetlands of New Mexico remain ecologically and economically important. Providing explicit regulatory language to maintain and protect wetland conditions is vital for keeping our remaining wetlands healthy and functioning for the benefit of all New Mexicans.

12. In the Sampling and Analysis section (20.6.4.14 NMAC), the Department proposes to strike language so that language related to sampling techniques is housed in the appropriate place, Standard Operating Procedures. Specifically, this type of detailed sampling language should and does exist under SOP 12.1 Lake Sampling, which is reviewed and updated every two years by the NMED SWQB staff with lake sampling and fisheries expertise. Removing this sampling detail from 20.6.4 NMAC provides flexibility to ensure NMED's lake monitoring techniques are aligned with current lake monitoring state of knowledge and best practices.

13. In the Use Attainability Analysis section (20.6.4.15 NMAC), the Department proposes to add a reference to U.S. Environmental Protection Agency's ("EPA") WQS Handbook and Use Attainability Analysis website that was updated in 2025. The WQS Handbook provides information on Designated Uses. The website contains information on how to conduct a UAA and provides EPA's collection of guidance documents on the topic in one area.

The Department also proposes to include the updated March 2024 version of the CWA Financial Capability Assessment Guidance that was originally published by EPA in February of 2023. This guidance supplements the existing 1995 Interim Economic Guidance for WQS: Workbook and provides a framework for WQS decisions with economic considerations, like UAAs and Temporary Standards.

14. In the Use Attainability Analysis section (20.6.4.15 NMAC), the Department proposes to revise "water body" to "waterbody" to standardize the use of the term throughout the rule consistent with common practice in technical or scientific writing.

15. In the Use Attainability Analysis section (20.6.4.15 NMAC), the Department proposes to remove reference to Region 6 of EPA, as it is not required. The Department also proposes to change

"approval" to "review", which is based on EPA's recommendation in their Triennial Review Letter submitted to the Department on January 19, 2023. This proposed amended language clarifies that EPA will not provide technical approval of a Use Attainability Analysis before the Water Quality Control Commission approves and adopts standards into the NMAC.

The Department further proposes to include a new paragraph (3) to conform to NMAC style and formatting guidelines. The Department proposes to include the term "designated use" and to pluralize "revision" to clarify the element of the Water Quality Standards being amended.

16. In the Use Attainability Analysis section (20.6.4.15 NMAC), the Department proposes to remove the term "proponent" from the regulations as it is undefined and unnecessary and may cause confusion in the development of water quality petitions and the administrative rulemaking process. Additionally, all references to the costs of the administrative rulemaking process have been consolidated in 20.6.4.10(F) NMAC.

17. The Department proposes to add Santa Cruz Lake to 20.6.4.135 NMAC based on available temperature, fisheries, and other water quality data; air-water temperature modeling performed during development of the 2024 approved temperature TMDL; and elevation and ecoregion data.

18. The Department proposes to strike from 20.6.4.206 NMAC's segment description "and perennial reaches of tributaries to the Rio Hondo downstream of Bonney canyon, excluding North Spring river", for the reasons detailed below in paragraph 21 (regarding proposed amendments to 20.6.4.231 NMAC).

19. The Department proposes to amend the segment description of 20.6.4.208 NMAC, to describe water quality segment breaks by hydrologic features rather than road crossings.

The Department proposes to amend the segment description of 20.6.4.209 NMAC, to describe water quality segment breaks by hydrologic features rather than road crossings.

20. The Department proposes to amend 20.6.4.219 NMAC to specifically change the recreational use from secondary contact to primary contact. The Department reviewed all available 2025 E. coli and pH data and determined a recreational use change is warranted. Recreation occurs regularly in this lake with BLM public access. Management at nearby Brantley Lake reports that this lake has "… a lot of public use including paddle boarding and kayaking, as well as high traffic for fishing and swimming. This reservoir does have a boat ramp, but limited use for large boats due to its shallow nature."

21. The Department proposes to amend the segment description of 20.6.4.231 NMAC, as mentioned above. The Department reviewed available 2021-2022 E. coli and pH data and determined a recreational use change from Secondary Contact to Primary Contact for Berrendo Creek, the only other perennial tributary to the Rio Hondo downstream of Bonney canyon, is warranted. Therefore, "perennial reaches of its tributaries" to the Rio Hondo downstream of Bonney canyon was added, and

"perennial reaches of North Spring river" was removed, to assign Primary Contact to both perennial tributaries.

The Department also proposes to amend the segment description from "state highway 24 near Dunken" to "Bear Canyon" to describe the water quality segment break by hydrologic feature rather than road crossing.

22. The Department proposes to amend to the segment description of 20.6.4.307 NMAC to more specifically describe the appropriate segment for a reach of Coyote Creek. The Department further proposes amendments to describe the water quality segment break by hydrologic feature rather than road crossing.

23. The Department proposes to amend 20.6.4.308 NMAC to specifically change the recreational use from secondary contact to primary contact. NMED's review of 2015-2016 E. coli and pH data supports this change and public access with regular recreation occurs at this lake.

24. The Department proposes to amend to the segment description of 20.6.4.309 NMAC to more specifically describe the appropriate segment for a reach of Coyote Creek. The Department further proposes amendments to describe the water quality segment break by hydrologic feature rather than road crossing.

25. The Department proposes to amend language in 20.6.4.318 NMAC to reflect the established effective date of the temporary standard pursuant to EPA's approval.

26. The Department proposes to amend 20.6.4.403 to remove unnecessary language that is provided for under 20.6.4.900(H)(4) NMAC.

27. The Department proposes to amend 20.6.4.502 NMAC to remove the warmwater aquatic life use based on thorough review and analysis of existing fisheries data, thermograph data, air-water temperature correlation (AWTC) modeling, and recreational fishing information. Removing the warmwater aquatic life use results in no change to applicable criteria because the most stringent criteria is used for Clean Water Act purposes (e.g. 303(d), permitting, TMDLs, etc.).

28. The Department proposes to amend 20.6.4.503 NMAC and to lower the segment-specific temperature criterion for East Fork Gila River and Sapillo Creek downstream of Lake Roberts of 32.2°C (90°F) to 29°C (84°F). This proposal is based on a thorough review and analysis of existing fisheries data, thermograph data, air-water temperature correlation (AWTC) modeling, and recreational fishing information. The review and analysis indicate a segment-specific temperature criterion of 29°C (84°F) is existing and attainable for East Fork Gila River and Sapillo Creek downstream of Lake Roberts.

29. The Department proposes to amend 20.6.4.601 NMAC to remove the marginal warmwater aquatic life use based on a thorough review and analysis of existing fisheries data, thermograph data, air-water temperature correlation (AWTC) modeling, and recreational fishing information. Removing the warmwater aquatic life use results in no change to applicable criteria because the most stringent criteria are used for Clean Water Act purposes (e.g. 303(d), permitting, TMDLs, etc.).

The Department further proposes to amend the segment description of 20.6.4.601 NMAC to describe the water quality segment break by hydrologic feature rather than road crossing.

30. The Department proposes to amend the segment description of 20.6.4.602 NMAC to describe the water quality segment break by hydrologic feature rather than road crossing.

31. In the Criteria Applicable to Existing, Designated or Attainable Uses section (20.6.4.900(D) NMAC – Primary contact), the Department proposes to retain the water quality criteria associated with harmful algal blooms (HABs) in the standards but removing the number of exceedances within a given time frame reference for microcystins and cylindrospermopsin. HABs are unpredictable, are difficult to monitor, and can become a concern very quickly. Associated cyanotoxins including microcystin and cylindrospermopsin are emerging contaminants and the science, technology, and best practices for related monitoring, assessment, and HABs advisory determination are evolving. Primary contact is a designated use addressing health risks during recreation on the water and criteria are critical for evaluating whether the water conditions are safe for recreation. Removing specific exceedance number and time frame references allows NMED to keep up with the evolving science regarding cyanotoxin monitoring and assessment to ensure New Mexico's waters are safe for recreation and respond quickly to communicate potential risk to the public.

The department further proposes reformatting this section to align with table formats found in other Subsections of 20.6.4.900 NMAC. This provides clarity for implementing and applying standards. Reference to using cfu/100 mL and MPN/100 mL for E. Coli bacteria were removed as redundant as their definitions in 20.6.4.7 NMAC state that either standard may apply based on analytical method used.

32. In the Criteria Applicable to Existing, Designated or Attainable Uses section (20.6.4.900(E) NMAC – Secondary contact), the Department proposes reformatting this section to align with table formats found in other Subsections of 20.6.4.900 NMAC.

33. In the Criteria Applicable to Existing, Designated or Attainable Uses section (20.6.4.900(H) NMAC – Aquatic life), the Department proposes reformatting this section to align with table formats found in other Subsections of 20.6.4.900 NMAC. Additionally, the Department proposes to include a default pH range for limited aquatic life within 6.0 to 9.0 SU in agreement with Technology Based Effluent Limits included in National Pollutant Discharge Elimination System (NPDES) Permits.

34. In the Criteria Applicable to Existing, Designated or Attainable Uses section (20.6.4.900(J)(1) NMAC – Use-specific numeric criteria; Table of numeric criteria), the Department proposes several non-substantive changes to more prominently and uniformly display units for the table. NMED staff applied scientific notation to values less than 0.0001 and equal to or greater than 100,000 for ease of reading and uniformity with existing criteria in scientific notation. Changes to lettering in paragraph (2) (Notes applicable to the table of numeric criteria) resulted from moving note 2(c) to paragraph (1).

35. In the Criteria Applicable to Existing, Designated or Attainable Uses section (20.6.4.900(J)(1) NMAC – Use-specific numeric criteria; Table of numeric criteria), the Department proposes to add aquatic life criteria for Per- and poly- fluoroalkyl substances (PFAS). The Department specifically proposes to adopt EPA recommended acute and chronic 304(a) criteria for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) aquatic life uses. PFAS, including PFOA and PFOS, are human-made organic chemicals that are persistent in the environment and are found in environmental samples worldwide. At elevated concentrations, PFOA and PFOS are toxic to aquatic species, including fish. Due to the widespread distribution and toxic effects of PFOA and PFOS, NMED proposes adoption of EPA's recommended criteria to protect aquatic life.

36. In the Criteria Applicable to Existing, Designated or Attainable Uses section (20.6.4.900(J)(1) NMAC – Use-specific numeric criteria; Table of numeric criteria), the Department proposes to adopt chronic criteria and remove existing acute criteria in alignment with EPA recommended 304(a) criteria for selenium aquatic life uses. Selenium is a naturally occurring element that can enter surface waters from natural or anthropogenic sources. Selenium bioaccumulates in aquatic organisms and at high concentrations can cause reproductive impairment of egg-laying species like fish. Due to the negative effects of high concentrations of selenium to aquatic organisms, including fish propagation. NMED proposes adoption of EPA's recommended criteria to protect aquatic life.

37. In the Criteria Applicable to Existing, Designated or Attainable Uses section (20.6.4.900(J)(1) NMAC – Use-specific numeric criteria; Table of numeric criteria), the Department proposes to adopt new criteria for Domestic Water Supply (DWS) based on an EPA Maximum Contaminant Level (MCL) or Treatment Technique established under the National Primary Drinking Water Regulations. DWS criteria are only adopted for chemicals with an EPA recommended 304(a) criteria.

38. In the Criteria Applicable to Existing, Designated or Attainable Uses section (20.6.4.900(J)(1) NMAC – Use-specific numeric criteria; Table of numeric criteria), the Department proposes to review and update designations of persistent toxic pollutants in the numeric criteria table.

39. In the Publication References section (20.6.4.901 NMAC), the Department proposes to remove unnecessary language from the introductory paragraph. The Department further proposes to add a reference to the most recent edition of *Standard Methods for the Examination of Water and Wastewater*. This addition results in the re-lettering of the subsequent references to 20.6.4.901(F) through 20.6.4.901(O) NMAC. The Department further proposes to amend a reference to be consistent with the most current version of the document.

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 6 WATER QUALITY
PART 4 STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS

20.6.4.1 ISSUING AGENCY: Water Quality Control commission.
[20.6.4.1 NMAC - Rp 20 NMAC 6.1.1001, 10/12/2000]

20.6.4.2 SCOPE: Except as otherwise provided by statute or regulation of the water quality control commission, this part governs all surface waters of the state of New Mexico, which are subject to the New Mexico Water Quality Act, Sections 74-6-1 through 74-6-17 NMSA 1978.
[20.6.4.2 NMAC - Rp 20 NMAC 6.1.1002, 10/12/2000; A, 5/23/2005]

20.6.4.3 STATUTORY AUTHORITY: This part is adopted by the water quality control commission pursuant to Subsection C of Section 74-6-4 NMSA 1978.
[20.6.4.3 NMAC - Rp 20 NMAC 6.1.1003, 10/12/2000]

20.6.4.4 DURATION: Permanent.
[20.6.4.4 NMAC - Rp 20 NMAC 6.1.1004, 10/12/2000]

20.6.4.5 EFFECTIVE DATE: October 12, 2000, unless a later date is indicated in the history note at the end of a section.
[20.6.4.5 NMAC - Rp 20 NMAC 6.1.1005, 10/12/2000]

20.6.4.6 OBJECTIVE:

A. The purpose of this part is to establish water quality standards that consist of the designated use or uses of surface waters of the state, the water quality criteria necessary to protect the use or uses and an antidegradation policy.

B. The state of New Mexico is required under the New Mexico Water Quality Act (Subsection C of Section 74-6-4 NMSA 1978) and the federal Clean Water Act, as amended (33 U.S.C. Section 1251 *et seq*.) to adopt water quality standards that protect the public health or welfare, enhance the quality of water and are consistent with and serve the purposes of the New Mexico Water Quality Act and the federal Clean Water Act. It is the objective of the federal Clean Water Act to restore and maintain the chemical, physical and biological integrity of the nation's waters, including those in New Mexico. This part is consistent with Section 101(a)(2) of the federal Clean Water Act, which declares that it is the national goal that wherever attainable, an interim goal of water quality that provides for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water be achieved by July 1, 1983. Agricultural, municipal, domestic and industrial water supply are other essential uses of New Mexico's surface water; however, water contaminants resulting from these activities will not be permitted to lower the quality of surface waters of the state below that required for protection and propagation of fish, shellfish and wildlife and recreation in and on the water, where practicable.

C. Pursuant to Subsection A of Section 74-6-12 NMSA 1978, this part does not grant to the water quality control commission or to any other entity the power to take away or modify property rights in water.

D. These surface water quality standards serve to respond to the inherent threats of climate change and provide resiliency for the continued protection and enhancement of water quality.
[20.6.4.6 NMAC - Rp 20 NMAC 6.1.1006, 10/12/2000; A, 5/23/2005; A, 4/23/2022]

20.6.4.7 DEFINITIONS: Terms defined in the New Mexico Water Quality Act, but not defined in this part will have the meaning given in the Water Quality Act.

A. Terms beginning with numerals or the letter "A," and abbreviations for units.

(1) "4Q3" means the hydrologically based critical low flow as determined by the minimum average flow over four consecutive days that occurs with a frequency of once in three years.

(2) "4T3 temperature" means the temperature not to be exceeded for four or more consecutive hours in a 24-hour period on more than three consecutive days.

(3) "6T3 temperature" means the temperature not to be exceeded for six or more consecutive hours in a 24-hour period on more than three consecutive days.

(4) Abbreviations used to indicate units are defined as follows:

(a) **"cfu/100 mL"** means colony-forming units per 100 milliliters; the results for *E. coli* may be reported as either colony forming units (CFU) or the most probable number (MPN), depending on the analytical method used;

(b) **"cfs"** means cubic feet per second;

(c) **"dw"** means dry weight;

(d) **"iwbt"** means invertebrate whole body tissue;

(e) **"fmt"** means fish muscle tissue;

(f) **"fwbt"** means fish whole body tissue;

[~~(c)~~]**g** **"µg/L"** means micrograms per liter, equivalent to parts per billion when the specific gravity of the solution equals 1.0;

[~~(d)~~] **(h)** **"µS/cm"** means microsiemens per centimeter; one µS/cm is equal to one µmho/cm;

[~~(e)~~] **(i)** **"mg/kg"** means milligrams per kilogram, equivalent to parts per million;

[~~(f)~~] **(j)** **"mg/L"** means milligrams per liter, equivalent to parts per million when the specific gravity of the solution equals 1.0;

[~~(g)~~] **(k)** **"MPN/100 mL"** means most probable number per 100 milliliters; the results for *E. coli* may be reported as either CFU or MPN, depending on the analytical method used;

[~~(h)~~] **(l)** **"NTU"** means nephelometric turbidity unit;

[~~(i)~~] **(m)** **"pCi/L"** means picocuries per liter;

[~~(j)~~] **(n)** **"pH"** means the measure of the acidity or alkalinity and is expressed in standard units (su);

(o) **"ww"** means wet weight.

(5) **"Acute toxicity"** means toxicity involving a stimulus severe enough to induce a response in 96 hours of exposure or less. Acute toxicity is not always measured in terms of lethality, but may include other toxic effects that occur within a short time period.

(6) **"Adjusted gross alpha"** means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample, including radium-226, but excluding radon-222 and uranium. Also excluded are source, special nuclear and by-product material as defined by the Atomic Energy Act of 1954.

(7) **"Administrative rulemaking costs"** include expenses related to providing a venue, hearing officer, court reporter, transcripts, translation services, interpretation services, and public notice requirements including publication in newspapers and in the New Mexico register in relation to holding a public rulemaking hearing. For petitioners other than the department, these costs do not include publishing in the New Mexico register, posting information to state websites, securing a venue, hiring a hearing officer, or filing adopted rules.

[~~(7)~~]**(8)** **"Aquatic life"** means any plant or animal life that uses surface water as primary habitat for at least a portion of its life cycle, but does not include avian or mammalian species.

[~~(8)~~]**(9)** **"Attainable Use"** means a use that is achievable by the imposition of effluent limits required under sections 301(b) and 306 of the federal Clean Water Act and implementation of cost-effective and reasonable best management practices for nonpoint source control. An attainable use may or may not have criteria as stringent as the criteria for the designated use.

B. Terms beginning with the letter "B".

(1) **"Best management practices" or "BMPs":**

(a) for national pollutant discharge elimination system (NPDES) permitting purposes means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of "waters of the United States;" BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage; or

(b) for nonpoint source pollution control purposes means methods, measures or practices selected by an agency to meet its nonpoint source control needs; BMPs include but are not limited to structural and nonstructural controls and operation and maintenance procedures; BMPS can be applied before, during and after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters; BMPs for nonpoint source pollution control purposes shall not be mandatory except as required by state or federal law.

(2) **"Bioaccumulation"** refers to the uptake and retention of a substance by an organism from its surrounding medium and food.

(3) "Bioaccumulation factor" is the ratio of a substance's concentration in tissue versus its concentration in ambient water, in situations where the organism and the food chain are exposed.

(4) "Biomonitoring" means the use of living organisms to test the suitability of effluents for discharge into receiving waters or to test the quality of surface waters of the state.

C. Terms beginning with the letter "C".

(1) "CAS number" means an assigned number by chemical abstract service (CAS) to identify a substance. CAS numbers index information published in chemical abstracts by the American chemical society.

(2) "Chronic toxicity" means toxicity involving a stimulus that lingers or continues for a relatively long period relative to the life span of an organism. Chronic effects include, but are not limited to, lethality, growth impairment, behavioral modifications, disease and reduced reproduction.

(3) "Classified water of the state" means a surface water of the state, or reach of a surface water of the state, for which the commission has adopted a segment description and has designated a use or uses and applicable water quality criteria in 20.6.4.101 through 20.6.4.899 NMAC.

(4) "Climate change" refers to any significant change in the measures of climate lasting for an extended period of time, typically decades or longer, and includes major changes in temperature, precipitation, wind patterns or other weather-related effects.

(5) "Closed basin" is a basin where topography prevents the surface outflow of water and water escapes by evapotranspiration or percolation.

(6) "Coldwater" in reference to an aquatic life use means a surface water of the state where the water temperature and other characteristics are suitable for the support or propagation or both of coldwater aquatic life.

(7) "Coolwater" in reference to an aquatic life use means the water temperature and other characteristics are suitable for the support or propagation of aquatic life whose physiological tolerances are intermediate between and may overlap those of warm and coldwater aquatic life.

(8) "Commission" means the New Mexico water quality control commission.

(9) "Criteria" are elements of state water quality standards, expressed as constituent concentrations, levels or narrative statements, representing a quality of a [~~water~~] waterbody that supports a use. When criteria are met, water quality will protect the designated use.

D. Terms beginning with the letter "D".

(1) "DDT and derivatives" means 4,4'-DDT (CAS number 50293), 4,4'-DDE (CAS number 72559) and 4,4'-DDD (CAS number 72548).

(2) "Department" means the New Mexico environment department.

(3) "Designated use" means a use specified in 20.6.4.97 through 20.6.4.899 NMAC for a surface water of the state whether or not it is being attained.

(4) "Dissolved" refers to the fraction of a constituent of a water sample that passes through a 0.45-micrometer pore-size filter. The "dissolved" fraction is also termed "filterable residue."

(5) "Domestic water supply" means a surface water of the state that could be used for drinking or culinary purposes after disinfection.

E. Terms beginning with the letter "E".

(1) "E. coli" means the bacteria Escherichia coli.

(2) "Emerging contaminants" refer to water contaminants that may cause significant ecological or human health effects at low concentrations. Emerging contaminants are generally chemical compounds recognized as having deleterious effects at environmental concentrations whose negative impacts have not been fully quantified and may not have regulatory numeric criteria.

(3) "Ephemeral" when used to describe a surface water of the state means the [~~water body~~] waterbody contains water briefly only in direct response to precipitation; its bed is always above the water table of the adjacent region.

(4) "Existing use" means a use actually attained in a surface water of the state on or after November 28, 1975, whether or not it is a designated use.

F. Terms beginning with the letter "F".

(1) "Fish culture" means production of coldwater or warmwater fishes in a hatchery or rearing station.

(2) "Fish early life stages" means the egg and larval stages of development of fish ending when the fish has its full complement of fin rays and loses larval characteristics.

G. Terms beginning with the letter "G" [RESERVED]

H. Terms beginning with the letter "H".

(1) "Hardness" means the measure of dissolved calcium and magnesium salts in water expressed in units of dissolved calcium carbonate (CaCO3) concentration unless otherwise noted.

(2) "Harmonic mean flow" is the number of daily flow measurements divided by the sum of the reciprocals of the flows; that is, it is the reciprocal of the arithmetic mean of reciprocal daily flow measurements consistent with the equations in Paragraph (1) of Subsection B of 20.6.4.11 NMAC.

(3) "High quality coldwater" in reference to an aquatic life use means a perennial surface water of the state in a minimally disturbed condition with considerable aesthetic value and superior coldwater aquatic life habitat. A surface water of the state to be so categorized must have water quality, stream bed characteristics and other attributes of habitat sufficient to protect and maintain a propagating coldwater aquatic life population.

(4) "Human health-organism only" means the health of humans who ingest fish or other aquatic organisms from waters that contain pollutants.

I. Terms beginning with the letter "I".

(1) "Industrial water supply" means the use or storage of water by a facility for process operations unless the water is supplied by a public water system. Industrial water supply does not include irrigation or other agricultural uses.

(2) "Intermittent" when used to describe a surface water of the state means the [~~water body~~] waterbody contains water for extended periods only at certain times of the year, such as when it receives seasonal flow from springs or melting snow.

(3) "Interstate waters" means all surface waters of the state that cross or form a part of the border between states.

(4) "Intrastate waters" means all surface waters of the state that are not interstate waters.

(5) "Irrigation" means application of water to land areas to supply the water needs of beneficial plants.

(6) "Irrigation storage" means storage of water to supply the needs of beneficial plants.

J. Terms beginning with the letter "J". [**RESERVED**]

K. Terms beginning with the letter "K". [**RESERVED**]

L. Terms beginning with the letter "L".

(1) "LC-50" means the concentration of a substance that is lethal to fifty percent of the test organisms within a defined time period. The length of the time period, which may vary from 24 hours to one week or more, depends on the test method selected to yield the information desired.

(2) "Limited aquatic life" as a designated use, means the surface water is capable of supporting only a limited community of aquatic life. This subcategory includes surface waters that support aquatic species selectively adapted to take advantage of naturally occurring rapid environmental changes, low-flow, high turbidity, fluctuating temperature, low dissolved oxygen content or unique chemical characteristics.

(3) "Livestock watering" means the use of a surface water of the state as a supply of water for consumption by livestock.

M. Terms beginning with the letter "M".

(1) "Marginal coldwater" in reference to an aquatic life use means that natural habitat conditions severely limit maintenance of a coldwater aquatic life population during at least some portion of the year or historical data indicate that the temperature of the surface water of the state may exceed that which could continually support aquatic life adapted to coldwater.

(2) "Marginal warmwater" in reference to an aquatic life use means natural intermittent or low flow or other natural habitat conditions severely limit the ability of the surface water of the state to sustain a natural aquatic life population on a continuous annual basis; or historical data indicate that natural water temperature routinely exceeds 32.2°C (90°F).

(3) "Maximum temperature" means the instantaneous temperature not to be exceeded at any time.

(4) "Minimum quantification level" means the minimum quantification level for a constituent determined by official published documents of the United States environmental protection agency.

N. Terms beginning with the letter "N".

(1) "Natural background" means that portion of a pollutant load in a surface water resulting only from non-anthropogenic sources. Natural background does not include impacts resulting from historic or existing human activities.

(2) "Natural causes" means those causal agents that would affect water quality and the effect is not caused by human activity but is due to naturally occurring conditions.

(3) "Nonpoint source" means any source of pollutants not regulated as a point source that degrades the quality or adversely affects the biological, chemical or physical integrity of surface waters of the state.

O. Terms beginning with the letter "O".

(1) "Organoleptic" means the capability to produce a detectable sensory stimulus such as odor or taste.

(2) "Oversight agency" means a state or federal agency, such as the United States department of agriculture forest service, that is responsible for land use or water quality management decisions affecting nonpoint source discharges where an outstanding national resource water is located.

P. Terms beginning with the letter "P".

(1) "Playa" means a shallow closed basin lake typically found in the high plains and deserts.

(2) "Perennial" when used to describe a surface water of the state means the [~~water body~~] waterbody typically contains water throughout the year and rarely experiences dry periods.

(3) "Persistent toxic pollutants" means pollutants, generally organic, that are resistant to environmental degradation through chemical, biological and photolytic processes and can bioaccumulate in organisms, causing adverse impacts on human health and aquatic life.

(4) "Point source" means any discernible, confined and discrete conveyance from which pollutants are or may be discharged into a surface water of the state, but does not include return flows from irrigated agriculture.

(5) "Practicable" means that which may be done, practiced or accomplished; that which is performable, feasible, possible.

(6) "Primary contact" means any recreational or other water use in which there is prolonged and intimate human contact with the water, such as swimming and water skiing, involving considerable risk of ingesting water in quantities sufficient to pose a significant health hazard. Primary contact also means any use of surface waters of the state for cultural, religious or ceremonial purposes in which there is intimate human contact with the water, including but not limited to ingestion or immersion, that could pose a significant health hazard.

(7) "Public water supply" means the use or storage of water to supply a public water system, as defined by [~~New Mexico's Drinking Water Regulations,~~] 40 CFR Part 141, and incorporated by reference into 20.7.10 NMAC, Drinking Water. Drinking [~~Water~~] water provided by a public water system [~~may need to~~] using surface water as a supply, shall undergo treatment to [~~achieve~~] comply with drinking water [~~quality~~] standards.

Q. Terms beginning with the letter "Q". [**RESERVED**]

R. Terms beginning with the letter "R". [**RESERVED**]

S. Terms beginning with the letter "S".

(1) "Secondary contact" means any recreational or other water use in which human contact with the water may occur and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing, wading, commercial and recreational boating and any limited seasonal contact.

(2) "Segment" means a classified water of the state described in 20.6.4.101 through 20.6.4.899 NMAC. The water within a segment should have the same uses, similar hydrologic characteristics or flow regimes, and natural physical, chemical and biological characteristics and exhibit similar reactions to external stresses, such as the discharge of pollutants.

(3) "Specific conductance" is a measure of the ability of a water solution to conduct an electrical current.

(4) "State" means the state of New Mexico.

(5) "Surface water(s) of the state"

(a) means all surface waters situated wholly or partly within or bordering upon the state, including the following:

(i) lakes;
(ii) rivers;
(iii) streams (including intermittent and ephemeral streams);
(iv) mudflats;
(v) sandflats;
(vi) wetlands;
(vii) sloughs;
(viii) prairie potholes;

(ix) wet meadows;
(x) playa lakes;
(xi) reservoirs; and
(xii) natural ponds.

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

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

T. Terms beginning with the letter "T".

(1) "TDS" means total dissolved solids, also termed "total filterable residue."

(2) "Temporary standard" means a time-limited designated use and criterion for a specific pollutant(s) or water quality parameter(s) that reflect the highest attainable condition during the term of the temporary standard or water quality variance as defined by 40 CFR 131.3(o).

[~~(2)~~]**(3) "Toxic pollutant"** means those pollutants, or combination of pollutants, including disease-causing agents, that after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, shortened life spans, disease, adverse behavioral changes, reproductive or physiological impairment or physical deformations in such organisms or their offspring.

[~~(3)~~]**(4) "Tributary"** means a perennial, intermittent or ephemeral waterbody that flows into a larger waterbody, and includes a tributary of a tributary.

[~~(4)~~]**(5) "Turbidity"** is an expression of the optical property in water that causes incident light to be scattered or absorbed rather than transmitted in straight lines.

U. Terms beginning with the letter "U".

(1) "Unclassified waters of the state" means those surface waters of the state not identified in 20.6.4.101 through 20.6.4.899 NMAC.

(2) "Use attainability analysis" means a scientific study conducted for the purpose of assessing the factors affecting the attainment of a use.

V. Terms beginning with the letter "V" [**RESERVED**]

W. Terms beginning with the letter "W".

(1) "Warmwater" with reference to an aquatic life use means that water temperature and other characteristics are suitable for the support or propagation or both of warmwater aquatic life.

(2) "Water contaminant" means any substance that could alter if discharged or spilled the physical, chemical, biological or radiological qualities of water. "Water contaminant" does not mean source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, but may include all other radioactive materials, including but not limited to radium and accelerator-produced isotopes.

(3) "Water pollutant" means a water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or to unreasonably interfere with the public welfare or the use of property.

(4) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration [~~sufficient to~~] that typically support [~~, and under normal circumstances do support, a prevalence of~~] vegetation [~~typically~~] adapted for life in saturated soil conditions in New Mexico. Wetlands are unique surface waters of the state that vary widely because of regional and local differences in soils, topography, climate, hydrology, water chemistry, vegetation and other factors and provide distinct chemical, biological, physical, and hydrological functions within a watershed. For certain types of wetlands, like playa lakes, water may only be present at certain times of the year, resulting in a cyclic nature of drying and refilling. Wetlands [~~that are~~] constructed [~~outside of a surface water of the state~~] for [~~the purpose of providing~~] wastewater treatment outside of, and [~~that~~] do not impound, a surface water of the state are not included in this definition.

(5) "Wildlife habitat" means a surface water of the state used by plants and animals not considered as pathogens, vectors for pathogens or intermediate hosts for pathogens for humans or domesticated livestock and plants.

X. Terms beginning with the letters "X" through "Z". [RESERVED]

[20.6.4.7 NMAC - Rp 20 NMAC 6.1.1007, 10/12/2000; A, 7/19/2001; A, 5/23/2005; A, 7/17/2005; A, 8/1/2007; A, 12/1/2010; A, 1/14/2011; A, 3/2/2017; A, 4/23/2022; A, MM/DD/YYYY]

20.6.4.8 ANTIDEGRADATION POLICY AND IMPLEMENTATION PLAN:

A. Antidegradation Policy: This antidegradation policy applies to all surface waters of the state.

(1) Existing uses, as defined in Paragraph (4) of Subsection E of 20.6.4.7 NMAC, and the level of water quality or wetland condition necessary to protect the existing uses shall be maintained and protected in all surface waters of the state. Wetland condition is a measure of ecological integrity and, by inference, wetland quality (i.e., functions) and quantity (i.e., acreage).

(2) Where wetland condition or the quality of a surface water of the state exceeds levels necessary to support the propagation of fish, shellfish, and wildlife, and recreation in and on the water, that quality shall be maintained and protected unless the commission finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the state's continuing planning process, that allowing lower water quality or wetland condition, including loss of wetland acreage or wetland functions, is necessary to accommodate important economic and social development in the area in which the water is located. In allowing such degradation or lower water quality, the state shall assure water quality adequate to protect existing uses fully. Further, the state shall [~~assure that there shall be achieved~~]ensure the highest statutory and regulatory requirements for all new and existing point sources and implementation of all cost-effective and reasonable best management practices (BMPs) for nonpoint source control. Additionally, the state shall encourage the use of watershed planning as a further means to protect surface waters of the state.

(3) No degradation, including loss of wetland acreage or wetland functions, shall be allowed in waters designated by the commission as outstanding national resource waters (ONRWs), except as provided in Subparagraphs (a) through (e) of this paragraph and in Paragraph (4) of [~~this~~] Subsection A of 20.6.4.8 NMAC.

(a) After providing a minimum 30-day public review and comment period, the commission determines that allowing temporary and short-term degradation of water quality is necessary to accommodate public health or safety activities in the area in which the ONRW is located. Examples of public health or safety activities include but are not limited to replacement or repair of a water or sewer pipeline or a roadway bridge. In making its decision, the commission shall consider whether the activity will interfere with activities implemented to restore or maintain the chemical, physical or biological integrity of the water. In approving the activity, the commission shall require that:

(i) the degradation shall be limited to the shortest possible time and shall not exceed six months;

(ii) the degradation shall be minimized and controlled by [~~best management practices~~]BMPs or in accordance with permit requirements as appropriate; all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized;

(iii) the degradation shall not result in water quality lower than necessary to protect any existing use in the ONRW; and

(iv) the degradation shall not alter the essential character or special use that makes the water an ONRW.

(b) Prior to the commission making a determination, the department or appropriate oversight agency shall provide a written recommendation to the commission. If the commission approves the activity, the department or appropriate oversight agency shall oversee implementation of the activity.

(c) Where an emergency response action that may result in temporary and short-term degradation to an ONRW is necessary to mitigate an immediate threat to public health or safety, the emergency response action may proceed prior to providing notification required by Subparagraph (a) of this paragraph in accordance with the following:

(i) only actions that mitigate an immediate threat to public health or safety may be undertaken pursuant to this provision; non-emergency portions of the action shall comply with the requirements of Subparagraph (a) of this paragraph;

(ii) the discharger shall make best efforts to comply with requirements (i) through (iv) of Subparagraph (a) of this paragraph;

(iii) the discharger shall notify the department of the emergency response action in writing within seven days of initiation of the action;

(iv) within 30 days of initiation of the emergency response action, the discharger shall provide a summary of the action taken, including all actions taken to comply with requirements (i) through (iv) of Subparagraph (a) of this paragraph.

(d) Preexisting land-use activities, including grazing, allowed by federal or state law prior to designation as an ONRW, and controlled by [~~best management practices (~~]BMPs[~~)~~], shall be allowed to continue so long as there are no new or increased discharges resulting from the activity after designation of the ONRW.

(e) Acequia operation, maintenance, and repairs are not subject to new requirements because of ONRW designation. However, the use of BMPs to minimize or eliminate the introduction of pollutants into receiving waters is strongly encouraged.

(4) This antidegradation policy does not prohibit activities that may result in degradation in surface waters of the state when such activities will result in restoration or maintenance of the chemical, physical or biological integrity of the water.

(a) For ONRWs, the department or appropriate oversight agency shall review on a case-by-case basis discharges that may result in degradation from restoration or maintenance activities, and may approve such activities in accordance with the following:

(i) the degradation shall be limited to the shortest possible time;

(ii) the degradation shall be minimized and controlled by [~~best management practices~~]BMPs or in accordance with permit requirements as appropriate, and all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized;

(iii) the degradation shall not result in water quality lower than necessary to protect any existing use of the surface water; and

(iv) the degradation shall not alter the essential character or special use that makes the water an ONRW.

(b) For surface waters of the state other than ONRWs, the department shall review on a case-by-case basis discharges that may result in degradation from restoration or maintenance activities, and may approve such activities in accordance with the following:

(i) the degradation shall be limited to the shortest possible time;

(ii) the degradation shall be minimized and controlled by [~~best management practices~~]BMPs or in accordance with permit requirements as appropriate, and all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized; and

(iii) the degradation shall not result in water quality lower than necessary to protect any existing use of the surface water.

(5) In those cases where potential water quality impairment associated with a thermal discharge is involved, this antidegradation policy and implementing method shall be consistent with Section 316 of the federal Clean Water Act.

(6) In implementing this section, the commission through the appropriate regional offices of the United States environmental protection agency will keep the administrator advised and provided with such information concerning the surface waters of the state as he or she will need to discharge his or her responsibilities under the federal Clean Water Act.

B. Implementation Plan: The department, acting under authority delegated by the commission, implements the water quality standards, including the antidegradation policy, by describing specific methods and procedures in the continuing planning process and by establishing and maintaining controls on the discharge of pollutants to surface waters of the state. The steps summarized in the following paragraphs, which may not all be applicable in every water pollution control action, list the implementation activities of the department. These implementation activities are supplemented by detailed antidegradation review procedures developed under the state's continuing planning process. The department:

(1) obtains information pertinent to the impact of the effluent on the receiving water and advises the prospective discharger of requirements for obtaining a permit to discharge;

(2) reviews the adequacy of existing data and conducts a water quality survey of the receiving water in accordance with an annually reviewed, ranked priority list of surface waters of the state requiring total maximum daily loads pursuant to Section 303(d) of the federal Clean Water Act;

(3) assesses the probable impact of the effluent on the receiving water relative to its attainable or designated uses and numeric and narrative criteria;

(4) requires the highest and best degree of wastewater treatment practicable and commensurate with protecting and maintaining the designated uses and existing water quality of surface waters of the state;

(5) develops water quality based effluent limitations and comments on technology based effluent limitations, as appropriate, for inclusion in any federal permit issued to a discharger pursuant to Section 402 of the federal Clean Water Act;

(6) requires that these effluent limitations be included in any such permit as a condition for state certification pursuant to Section 401 of the federal Clean Water Act;

(7) coordinates its water pollution control activities with other constituent agencies of the commission, and with local, state and federal agencies, as appropriate;

(8) develops and pursues inspection and enforcement programs to ensure that dischargers comply with state regulations and standards, and complements EPA's enforcement of federal permits;

(9) ensures that the provisions for public participation required by the New Mexico Water Quality Act and the federal Clean Water Act are followed;

(10) provides continuing technical training for wastewater treatment facility operators through the utility operators training and certification programs;

(11) provides funds to assist the construction of publicly owned wastewater treatment facilities through the wastewater construction program authorized by Section 601 of the federal Clean Water Act, and through funds appropriated by the New Mexico legislature;

(12) conducts water quality surveillance of the surface waters of the state to assess the effectiveness of water pollution controls, determines whether water quality standards are being attained, and proposes amendments to improve water quality standards;

(13) encourages, in conjunction with other state agencies, implementation of the [~~best management practices~~]BMPs set forth in the New Mexico statewide water quality management plan and the nonpoint source management program, such implementation shall not be mandatory except as provided by federal or state law;

(14) evaluates the effectiveness of BMPs selected to prevent, reduce or abate sources of water pollutants;

(15) develops procedures for assessing use attainment as required by 20.6.4.15 NMAC and establishing site-specific standards;[~~ and~~]

(16) develops list of surface waters of the state not attaining designated uses, pursuant to Sections 305(b) and 303(d) of the federal Clean Water Act[~~.~~]; and

(17) develops list of ONRWs where impairment has been documented and potential sources of impairment.

[20.6.4.8 NMAC - Rp 20 NMAC 6.1.1101, 10/12/2000; A, 5/23/2005; A, 8/1/2007; A, 1/14/2011; A, 4/23/2022; A, MM/DD/YYYY]

20.6.4.9 OUTSTANDING NATIONAL RESOURCE WATERS:

A. Procedures for nominating an ONRW: Any person may nominate a surface water of the state for designation as an ONRW by filing a petition with the commission pursuant to 20.1.6 NMAC, Rulemaking Procedures - Water Quality Control Commission. A petition to designate a surface water of the state as an ONRW shall include:

(1) a map of the surface water of the state, including the location and proposed upstream and downstream boundaries;

(2) a written statement and evidence based on scientific principles in support of the nomination, including specific reference to one or more of the applicable ONRW criteria listed in Subsection B of this section;

(3) water quality data including chemical, physical or biological parameters, if available, to establish a baseline condition for the proposed ONRW;

(4) a discussion of activities that might contribute to the reduction of water quality in the proposed ONRW;

(5) any additional evidence to substantiate such a designation, including a discussion of the economic impact of the designation on the local and regional economy within the state of New Mexico and the benefit to the state; and

(6) affidavit of publication of notice of the petition in a newspaper of general circulation in the affected counties and in a newspaper of general statewide circulation.

B. Criteria for ONRWs: A surface water of the state, or a portion of a surface water of the state, may be designated as an ONRW where the commission determines that the designation is beneficial to the state of New Mexico, and:

(1) the water is a significant attribute of a state special trout water, national or state park, national or state monument, national or state wildlife refuge or designated wilderness area, or is part of a designated wild river under the federal Wild and Scenic Rivers Act; or

(2) the water has exceptional recreational or ecological significance; or

(3) the existing water quality is equal to or better than the numeric criteria for protection of aquatic life and contact uses and the human health-organism only criteria, and the water has not been significantly modified by human activities in a manner that substantially detracts from its value as a natural resource.

C. Pursuant to a petition filed under Subsection A of this section, the commission may classify a surface water of the state or a portion of a surface water of the state as an ONRW if the criteria set out in Subsection B of this section are met.

D. Waters classified as ONRWs: The following waters are classified as ONRWs:

(1) Rio Santa Barbara, including the west, middle and east forks from their headwaters downstream to the boundary of the Pecos Wilderness; and

(2) the waters within the United States forest service Valle Vidal special management unit including:

(a) Rio Costilla, including Comanche, La Cueva, Fernandez, Chuckwagon, Little Costilla, Powderhouse, Holman, Gold, Grassy, LaBelle and Vidal creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit;

(b) Middle Ponil creek, including the waters of Greenwood Canyon, from their headwaters downstream to the boundary of the Elliott S. Barker wildlife management area;

(c) Shuree lakes;

(d) North Ponil creek, including McCrystal and Seally Canyon creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit; and

(e) Leandro creek from its headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit.

(3) the named perennial surface waters of the state, identified in Subparagraph (a) below, located within United States department of agriculture forest service wilderness. Wilderness are those lands designated by the United States congress as wilderness pursuant to the Wilderness Act. Wilderness areas included in this designation are the Aldo Leopold wilderness, Apache Kid wilderness, Blue Range wilderness, Chama River Canyon wilderness, Cruces Basin wilderness, Dome wilderness, Gila wilderness, Latir Peak wilderness, Pecos wilderness, San Pedro Parks wilderness, Wheeler Peak wilderness, and White Mountain wilderness.

(a) The following waters are designated in the Rio Grande basin:

(i) in the Aldo Leopold wilderness: Byers Run, Circle Seven creek, Flower canyon, Holden Prong, Indian canyon, Las Animas creek, Mud Spring canyon, North Fork Palomas creek, North Seco creek, Pretty canyon, Sids Prong, South Animas canyon, Victorio Park canyon, Water canyon;

(ii) in the Apache Kid wilderness Indian creek and Smith canyon;

(iii) in the Chama River Canyon wilderness: Chavez canyon, Ojitos canyon, Rio Chama;

(iv) in the Cruces Basin wilderness: Beaver creek, Cruces creek, Diablo creek, Escondido creek, Lobo creek, Osha creek;

(v) in the Dome wilderness: Capulin creek, Medio creek, Sanchez canyon/creek;

(vi) in the Latir Peak wilderness: Bull creek, Bull Creek lake, Heart lake, Lagunitas Fork, Lake Fork creek, Rito del Medio, Rito Primero, West Latir creek;

(vii) in the Pecos wilderness: Agua Sarca, Hidden lake, Horseshoe lake (Alamitos), Jose Vigil lake, Nambe lake, Nat lake IV, No Fish lake, North Fork Rio Quemado, Rinconada, Rio Capulin, Rio de las Trampas (Trampas creek), Rio de Truchas, Rio Frijoles, Rio Medio, Rio Molino, Rio Nambe, Rio San Leonardo, Rito con Agua, Rito Gallina, Rito Jaroso, Rito Quemado, San Leonardo lake, Santa Fe lake, Santa Fe river, Serpent lake, South Fork Rio Quemado, Trampas lake (East), Trampas lake (West);

(viii) in the San Pedro Parks wilderness: Agua Sarca, Cañon Madera, Cave creek, Cecilia Canyon creek, Clear creek (North SPP), Clear creek (South SPP), Corralitos creek, Dove creek, Jose Miguel creek, La Jara creek, Oso creek, Rio Capulin, Rio de las Vacas, Rio Gallina, Rio Puerco de Chama, Rito

Anastacio East, Rito Anastacio West, Rito de las Palomas, Rito de las Perchas, Rito de los Pinos, Rito de los Utes, Rito Leche, Rito Redondo, Rito Resumidero, San Gregorio lake;

(ix) in the Wheeler Peak wilderness: Black Copper canyon, East Fork Red river, Elk lake, Horseshoe lake, Lost lake, Sawmill creek, South Fork lake, South Fork Rio Hondo, Williams lake.

(b) The following waters are designated in the Pecos River basin:

(i) in the Pecos wilderness: Albright creek, Bear creek, Beatty creek, Beaver creek, Carpenter creek, Cascade canyon, Cave creek, El Porvenir creek, Hollinger creek, Holy Ghost creek, Horsethief creek, Jack's creek, Jarosa canyon/creek, Johnson lake, Lake Katherine, Lost Bear lake, Noisy brook, Panchuela creek, Pecos Baldy lake, Pecos river, Rio Mora, Rio Valdez, Rito Azul, Rito de los Chimayosos, Rito de los Esteros, Rito del Oso, Rito del Padre, Rito las Trampas, Rito Maestas, Rito Oscuro, Rito Perro, Rito Sebadilloses, South Fork Bear creek, South Fork Rito Azul, Spirit lake, Stewart lake, Truchas lake (North), Truchas lake (South), Winsor creek;

(ii) in the White Mountain wilderness: Argentina creek, Aspen creek, Bonito creek, Little Bonito creek, Mills canyon/creek, Rodamaker creek, South Fork Rio Bonito, Turkey canyon/creek.

(c) The following waters are designated in the Gila River basin:

(i) in the Aldo Leopold wilderness: Aspen canyon, Black Canyon creek, Bonner canyon, Burnt canyon, Diamond creek, Falls canyon, Fisherman canyon, Running Water canyon, South Diamond creek;

(ii) in the Gila wilderness: Apache creek, Black Canyon creek, Brush canyon, Canyon creek, Chicken Coop canyon, Clear creek, Cooper canyon, Cow creek, Cub creek, Diamond creek, East Fork Gila river, Gila river, Gilita creek, Indian creek, Iron creek, Langstroth canyon, Lilley canyon, Little creek, Little Turkey creek, Lookout canyon, McKenna creek, Middle Fork Gila river, Miller Spring canyon, Mogollon creek, Panther canyon, Prior creek, Rain creek, Raw Meat creek, Rocky canyon, Sacaton creek, Sapillo creek, Sheep Corral canyon, Skeleton canyon, Squaw creek, Sycamore canyon, Trail canyon, Trail creek, Trout creek, Turkey creek, Turkey Feather creek, Turnbo canyon, West Fork Gila river, West Fork Mogollon creek, White creek, Willow creek, Woodrow canyon.

(d) The following waters are designated in the Canadian River basin: in the Pecos wilderness Daily creek, Johns canyon, Middle Fork Lake of Rio de la Casa, Middle Fork Rio de la Casa, North Fork Lake of Rio de la Casa, Rito de Gascon, Rito San Jose, Sapello river, South Fork Rio de la Casa, Sparks creek (Manuelitas creek).

(e) The following waters are designated in the San Francisco River basin:

(i) in the Blue Range wilderness: Pueblo creek;

(ii) in the Gila wilderness: Big Dry creek, Lipsey canyon, Little Dry creek, Little Whitewater creek, South Fork Whitewater creek, Spider creek, Spruce creek, Whitewater creek.

(f) The following waters are designated in the Mimbres Closed basin: in the Aldo Leopold wilderness Corral canyon, Mimbres river, North Fork Mimbres river, South Fork Mimbres river.

(g) The following waters are designated in the Tularosa Closed basin: in the White Mountain wilderness Indian creek, Nogal Arroyo, Three Rivers.

(h) The wetlands designated are identified on the *Maps and List of Wetlands Within United States Forest Service Wilderness Areas Designated as Outstanding National Resource Waters* published at the New Mexico state library and available on the department's website.

(4) The following waters are designated in the headwaters Pecos river watershed:

(a) The Pecos river from Dalton Canyon creek to the Pecos wilderness boundary;

(b) In the Dry Gulch-Pecos river subwatershed, Dalton Canyon creek from the Pecos river upstream to the headwaters, Wild Horse creek from Dalton Canyon creek upstream to the headwaters, Macho Canyon creek from the Pecos river upstream to the headwaters and Sawyer creek from the Pecos river upstream to the headwaters;

(c) In the Indian creek-Pecos river subwatershed, Indian creek from the Pecos river upstream to the headwaters, Holy Ghost creek from the Pecos river upstream to the Pecos wilderness boundary, Doctor creek from Holy Ghost creek upstream to the headwaters, Davis creek from the Pecos river upstream to the headwaters and Willow creek from the Pecos river upstream to the headwaters;

(d) In the Rio Mora subwatershed, Rio Mora from the Pecos river upstream to the Pecos wilderness boundary and Bear creek from the Rio Mora upstream to the Pecos wilderness boundary;

(e) In the Rio Mora-Pecos river subwatershed, Carpenter creek from the Pecos river upstream to the Pecos wilderness boundary, Winsor creek from the Pecos river upstream to the Pecos wilderness boundary and Jack's creek from the Pecos river upstream to the Pecos wilderness boundary; and,

(f) In the Panchuela creek subwatershed, Panchuela creek from the Pecos river upstream to the Pecos wilderness boundary;

(g) Unnamed tributaries to waters in Subparagraphs (a) through (f), Paragraph (4) of this Subsection (D) as identified in the *Maps and Lists for Unnamed Tributaries to Perennial Waters and Wetlands in the Headwaters Pecos River Watershed,* published at the New Mexico state library and available on the department's website.

(h) Unnamed wetlands adjacent to waters in Subparagraphs (a) through (f), Paragraph (4) of this Subsection (D) as identified in the *Maps and Lists for Unnamed Tributaries to Perennial Waters and Wetlands in the Headwaters Pecos River Watershed*, published at the New Mexico state library and available on the department's website.

(5) the Rio Grande from directly above the Rio Pueblo de Taos to the New Mexico-Colorado state border.

(6) the Rio Hondo from the Carson National Forest boundary to its headwaters; and Lake Fork creek from the Rio Hondo to its headwaters.

(7) the East Fork Jemez river from San Antonio creek to its headwaters; San Antonio creek from the East Fork Jemez river to its headwaters; and Redondo creek from Sulphur creek to its headwaters.

(8) The following waters located within a national or state park, national or state monument, or national or state wildlife refuge:

(a) in the Valles Caldera national preserve: La Jara creek, Sulphur creek, San Luis creek, Jaramillo creek, and Rito de los Indios;

(b) in the Bandelier national monument: Rito de los Frijoles, Lummis canyon, Alamo canyon, Capulin creek, and Medio creek;

(c) in the Cimarron canyon state park: Cimarron river;

(d) in the Pecos national historical park: Pecos river;

(e) in the Rio Grande del Norte national monument: Rio San Antonio.

(9) The following waters located within a designated wilderness area: in the Columbine – Hondo wilderness areas: Columbine creek, Deer creek, Placer fork, Willow fork, Goose creek, Bear creek, Long canyon, Gavilan canyon, Italianos creek, Yerba creek, Manzanita creek, Gallina creek, Lobo creek, San Cristobal creek, and Lama canyon.

(10) The following wild rivers as designated by the federal Wild and Scenic Rivers Act:

(a) Rio Chama from the US forest service boundary to confluence with the Rio Nutrias;

(b) Red River from the confluence with the Rio Grande to four miles upstream.

(11) The following state special trout waters not already included in Paragraphs 8 through 10 of this Subsection:

(a) in the Edward Sargent wildlife management area: Rio Chamita, Nabor creek, Sixto creek, and Rio Chama;

(b) Rio Chama from Heron Reservoir outlet to Cottonwood flats;

(c) Rio de los Pinos from United States forest service road 87A to private land 2.5 miles upstream, Tanques creek, Canada Tio Grande;

(d) Cabresto creek from United States forest service boundary to headwaters, Frijoles creek, Palociento creek, and West Fork Luna creek;

(e) Rio Cebolla from Seven Springs day use area to its headwaters, Rio Gaudalupe from the confluence with Deer creek upstream to confluence with Stable creek;

(f) Capulin creek from the Dome wilderness boundary to headwaters.

[20.6.4.9 NMAC - Rn, Subsections B, C and D of 20.6.4.8 NMAC, 5/23/2005; A, 5/23/2005; A, 7/17/2005; A, 2/16/2006; A, 12/1/2010; A, 1/14/2011; A, 4/23/2022; A, 9/24/2022; A, 3/15/2025]

20.6.4.10 REVIEW OF STANDARDS; NEED FOR ADDITIONAL STUDIES:

A. Section 303(c)(1) of the federal Clean Water Act requires that the state hold public hearings at least once every three years for the purpose of reviewing water quality standards and proposing, as appropriate, necessary revisions to water quality standards.

B. In accordance with 40 CFR 131.10(i), when an existing use, as defined under 20.6.4.7 NMAC, is higher quality water than prescribed by the designated use and supporting evidence demonstrates the presence of that use, the designated use shall be amended accordingly to have criteria no less stringent than the existing use.

C. It is recognized that, in some cases, numeric criteria for a particular designated use may not adequately reflect the local conditions or the aquatic communities adapted to those localized conditions. In these cases, a water quality criterion may be modified to reflect the natural condition of a specific waterbody. The modification of the criterion does not change the designated use; the modification only changes the criterion for that specific waterbody When justified by sufficient data and information, a numeric water quality criterion may be adopted or modified in accordance with Subsections [~~F~~]G [~~of 20.6.4.10~~] and [~~Subsection G~~]H of 20.6.4.10 NMAC, to protect the attainable uses of the waterbody.

D. The removal or amendment of a designated use to a designated use with less stringent criteria can only be done through a use attainability analysis in accordance with 20.6.4.15 NMAC.

E. It is also recognized that contributions of water contaminants by diffuse nonpoint sources of water pollution may make attainment of certain criteria difficult. Revision of these criteria may be necessary as new information is obtained on nonpoint sources and other problems unique to semi-arid regions.

F. Any person may petition the commission to adopt, amend, or repeal any regulation within the jurisdiction of the commission in accordance with 20.1.6.200 NMAC, including ONRW nominations, site-specific criteria, use attainability analyses, temporary standards, and designating classified segments. If the commission grants a rulemaking hearing in response to a petition, the petitioner shall be responsible for the administrative rulemaking costs. The petitioner shall coordinate with the commission administrator and the department on the administrative rulemaking costs and hearing requirements.

[~~F~~]**G. Site-specific criteria.**

(1) The commission may adopt site-specific numeric criteria applicable to all or part of a surface water of the state based on relevant site-specific conditions such as:

(a) actual species at a site are more or less sensitive than those used in the national criteria data set;

(b) physical or chemical characteristics at a site such as pH or hardness alter the biological availability and/or toxicity of the chemical;

(c) physical, biological or chemical factors alter the bioaccumulation potential of a chemical;

(d) the concentration resulting from natural background exceeds numeric criteria for aquatic life, wildlife habitat or other uses if consistent with Subsection G of 20.6.4.10 NMAC; or

(e) other factors or combination of factors that upon review of the commission may warrant modification of the default criteria, subject to EPA review and approval.

(2) Site-specific criteria must fully protect the designated use to which they apply. In the case of human health-organism only criteria, site-specific criteria must fully protect human health when organisms are consumed from waters containing pollutants.

(3) Any person may submit notice to the department stating their intent to develop site-specific criteria for a surface water of the state. The notice shall include a work plan supporting the development of site-specific criteria for the department's comment.

(4) Site-specific criteria shall be developed in accordance with the work plan, based on one or more of the site-specific conditions in Paragraph (1) of Subsection G of 20.6.4.10 NMAC, derived from a scientifically defensible method and protect the designated uses to which they apply.

(5) The work plan shall identify, at a minimum:

(a) the waterbody to consider and the reasoning for site-specific criteria;

(b) the methodology to be used to derive criteria;

(c) the source and validity of data to be used;

(d) the provisions for consultation with appropriate state and federal agencies;

(e) a description of how stakeholders and potentially affected Indian nations, tribes, or pueblos will be identified and engaged;

(f) a description of the public notice mechanisms to be employed; and

(g) the expected timelines and associated administrative actions to be taken for a rulemaking petition, pending the outcome of criteria development.

(6) Upon completion of site-specific criteria development, the data, findings and conclusions shall be submitted to the department, and public notice shall be provided in accordance with the work plan.

[~~(3)~~](7) Any person may petition the commission to adopt site-specific criteria. A petition for the adoption of site-specific criteria shall:

(a) identify the specific waters to which the site-specific criteria would apply;

(b) explain the rationale for proposing the site-specific criteria;

(c) describe the methods used to notify and solicit input from potential stakeholders and from the general public in the affected area, and present and respond to the public input received;

(d) present and justify the derivation of the proposed criteria.

[~~(4)~~](8) A derivation of site-specific criteria shall rely on a scientifically defensible method, such as one of the following:

(a) the recalculation procedure, the water-effect ratio for metals procedure or the resident species procedure as described in the water quality standards handbook (EPA-823-B-94-005a, 2nd edition, August 1994);

(b) the streamlined water-effect ratio procedure for discharges of copper (EPA-822-R-01-005, March 2001);

(c) the biotic ligand model as described in aquatic life ambient freshwater quality criteria - copper (EPA-822-R-07-001, February 2007);

(d) the methodology for deriving ambient water quality criteria for the protection of human health (EPA-822-B-00-004, October 2000) and associated technical support documents; or

(e) a determination of the natural background of the [~~water body~~] waterbody as described in Subsection G of 20.6.4.10 NMAC.

[~~G~~]H. **Site-specific criteria based on natural background.** The commission may adopt site-specific criteria equal to the concentration resulting from natural background where that concentration protects the designated use. The concentration resulting from natural background supports the level of aquatic life and wildlife habitat expected to occur naturally at the site absent any interference by humans. Domestic water supply, primary or secondary contact, or human health-organism only criteria shall not be modified based on natural background. A determination of natural background shall:

(1) consider natural spatial and seasonal to interannual variability as appropriate;

(2) document the presence of natural sources of the pollutant;

(3) document the absence of human sources of the pollutant or quantify the human contribution; and

(4) rely on analytical, statistical or modeling methodologies to quantify the natural background.

[~~H~~]I. **Temporary standards.**

(1) Any person may petition the commission to adopt a temporary standard applicable to all or part of a surface water of the state as provided for in this section and applicable sections in 40 CFR Part 131, Water Quality Standards; specifically, Section 131.14. The commission may adopt a proposed temporary standard if the petitioner demonstrates that:

(a) attainment of the associated designated use may not be feasible in the short term due to one or more of the factors listed in 40 CFR 131.10(g), or due to the implementation of actions necessary to facilitate restoration such as through dam removal or other significant wetland or [~~water body~~] waterbody reconfiguration activities as demonstrated by the petition and supporting work plan requirements in Paragraphs (4) and (5) of Subsection [~~H~~]I of 20.6.4.10 NMAC;

(b) the proposed temporary standard represents the highest degree of protection feasible in the short term, limits the degradation of water quality to the minimum necessary to achieve the original standard by the expiration date of the temporary standard, and adoption will not cause the further impairment or loss of an existing use;

(c) for point sources, existing or proposed discharge control technologies will comply with applicable technology-based limitations and feasible technological controls and other management alternatives, such as a pollution prevention program; and

(d) for restoration activities, nonpoint source or other control technologies shall limit downstream impacts, and if applicable, existing or proposed discharge control technologies shall be in place consistent with Subparagraph (c) of Paragraph (1) of Subsection [~~H~~]I of 20.6.4.10 NMAC.

(2) A temporary standard shall apply to specific designated use(s), pollutant(s), or permittee(s), and to specific [~~water body~~] waterbody segment(s). The adoption of a temporary standard does not exempt dischargers from complying with all other applicable water quality standards or control technologies.

(3) Designated use attainment as reported in the federal Clean Water Act, Section 305(b)/303(d) Integrated Report shall be based on the original standard and not on a temporary standard.

(4) A petition for a temporary standard shall:

(a) identify the currently applicable standard(s), the proposed temporary standard for the specific pollutant(s), the permittee(s), and the specific surface [~~water body~~] waterbody segment(s) of the state to which the temporary standard would apply;

(b) include the basis for any factor(s) specific to the applicability of the temporary standard (for example critical flow under Subsection B of 20.6.4.11 NMAC);

(c) demonstrate that the proposed temporary standard meets the requirements in this subsection;

(d) present a work plan with timetable of proposed actions for achieving compliance with the original standard in accordance with Paragraph (5) of Subsection [~~H~~]I of 20.6.4.10 NMAC;

(e) include any other information necessary to support the petition.

(5) As a condition of a petition for a temporary standard, in addition to meeting the requirements in this Subsection, the petitioner shall prepare a work plan in accordance with Paragraph (4) of Subsection [~~H~~]I of 20.6.4.10 NMAC and submit the work plan to the department for review and comment. The work plan shall identify the factor(s) listed in 40 CFR 131.10(g) or Subparagraph (a) of Paragraph (1) of Subsection [~~H~~]I of 20.6.4.10 NMAC affecting attainment of the standard that will be analyzed and the timeline for proposed actions to be taken to achieve the uses attainable over the term of the temporary standard, including baseline water quality, and any investigations, projects, facility modifications, monitoring, or other measures necessary to achieve compliance with the original standard. The work plan shall include provisions for review of progress in accordance with Paragraph (8) of Subsection [~~H~~]I of 20.6.4.10 NMAC, public notice and consultation with appropriate state, tribal, local and federal agencies.

(6) The commission may condition the approval of a temporary standard by requiring additional monitoring, relevant analyses, the completion of specified projects, submittal of information, or any other actions.

(7) Temporary standards may be implemented only after a public hearing before the commission, commission approval and adoption pursuant to Subsection [~~H~~]I of 20.6.4.10 NMAC for all state purposes, and the federal Clean Water Act, Section 303 (c) approval for any federal action.

(8) All temporary standards are subject to a required review during each succeeding review of water quality standards conducted in accordance with Subsection A of 20.6.4.10 NMAC. The petitioner shall provide a written report to the commission documenting the progress of proposed actions, pursuant to a reporting schedule stipulated in the approved temporary standard. The purpose of the review is to determine progress consistent with the original conditions of the petition for the duration of the temporary standard. If the petitioner cannot demonstrate that sufficient progress has been made the commission may revoke approval of the temporary standard or provide additional conditions to the approval of the temporary standard.

(9) The commission may consider a petition to extend a temporary standard. The effective period of a temporary standard shall be extended only if demonstrated to the commission that the factors precluding attainment of the underlying standard still apply, that the petitioner is meeting the conditions required for approval of the temporary standard, and that reasonable progress towards meeting the underlying standard is being achieved.

(10) A temporary standard shall expire no later than the date specified in the approval of the temporary standard. Upon expiration of a temporary standard, the original standard becomes applicable.

(11) Temporary standards shall be identified in 20.6.4.97-899 NMAC as appropriate for the surface water affected.

[~~**(12)** "Temporary standard" means a time-limited designated use and criterion for a specific pollutant(s) or water quality parameter(s) that reflect the highest attainable condition during the term of the temporary standard.~~]

[20.6.4.10 NMAC - Rp 20 NMAC 6.1.1102, 10/12/2000; Rn, 20.6.4.9 NMAC, 5/23/2005; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, 4/23/2022; A, MM/DD/YYYY]

20.6.4.11 APPLICABILITY OF WATER QUALITY STANDARDS:

A. [**RESERVED**]

B. Critical low flow: The critical low flow of a stream at a particular site shall be used in developing point source discharge permit requirements to meet numeric criteria set in 20.6.4.97 through 20.6.4.900 NMAC and Subsection F of 20.6.4.13 NMAC.

(1) For human health-organism only criteria, the critical low flow is the harmonic mean flow. For ephemeral waters the calculation shall be based upon the nonzero flow intervals and modified by including a factor to adjust for the proportion of intervals with zero flow. The equations are as follows:

$$\text{Harmonic Mean} = \frac{n}{\sum 1/Q}$$

where n = number of flow values
and Q = flow value

$$\text{Modified Harmonic Mean} = \left[\frac{\sum_{i=1}^{Nt-N_0} \frac{1}{Qi}}{Nt - N_0}\right]^{-1} x \left[\frac{Nt - N_0}{Nt}\right]$$

where Qi = nonzero flow
Nt = total number of flow values
and N_0 = number of zero flow values

(2) For all other narrative and numeric criteria, the critical low flow is the minimum average four consecutive day flow that occurs with a frequency of once in three years (4Q3). The critical low flow may be determined on an annual, a seasonal or a monthly basis, as appropriate, after due consideration of site-specific conditions.

C. Guaranteed minimum flow: The commission may allow the use of a contractually guaranteed minimum streamflow in lieu of a critical low flow determined under Subsection B of this section on a case-by-case basis and upon consultation with the interstate stream commission. Should drought, litigation or any other reason interrupt or interfere with minimum flows under a guaranteed minimum flow contract for a period of at least 30 consecutive days, such permission, at the sole discretion of the commission, may then be revoked. Any minimum flow specified under such revoked permission shall be superseded by a critical low flow determined under Subsection B of this section. A public notice of the request for a guaranteed minimum flow shall be published in a newspaper of general circulation by the department at least 30 days prior to scheduled action by the commission. These water quality standards do not grant to the commission or any other entity the power to create, take away or modify property rights in water.

D. Mixing zones: A limited mixing zone, contiguous to a point source wastewater discharge, may be allowed in any stream receiving such a discharge. Mixing zones serve as regions of initial dilution that allow the application of a dilution factor in calculations of effluent limitations. Effluent limitations shall be developed that will protect the most sensitive existing, designated or attainable use of the receiving water.

E. Mixing zone limitations: Wastewater mixing zones, in which the numeric criteria set under Subsection F of 20.6.4.13 NMAC, 20.6.4.97 through 20.6.4.899 NMAC or 20.6.4.900 NMAC may be exceeded, shall be subject to the following limitations:

(1) Mixing zones are not allowed for discharges to lakes, reservoirs, or playas; these effluents shall meet all applicable criteria set under Subsection F of 20.6.4.13 NMAC, 20.6.4.97 through 20.6.4.899 NMAC and 20.6.4.900 NMAC at the point of discharge.

(2) The acute aquatic life criteria, as set out in Subsection I, Subsection J, and Subsection [~~K~~]L of 20.6.4.900 NMAC, shall be attained at the point of discharge for any discharge to a surface water of the state with a designated aquatic life use.

(3) The general criteria set out in Subsections A, B, C, D, E, G, H and J of 20.6.4.13 NMAC, and the provision set out in Subsection D of 20.6.4.14 NMAC are applicable within mixing zones.

(4) The areal extent and concentration isopleths of a particular mixing zone will depend on site-specific conditions including, but not limited to, wastewater flow, receiving water critical low flow, outfall design, channel characteristics and climatic conditions and, if needed, shall be determined on a case-by-case basis. When the physical boundaries or other characteristics of a particular mixing zone must be known, the methods presented in Section 4.4.5, “Ambient-induced mixing,” in “Technical support document for water quality-based toxics control” (March 1991, EPA/505/2-90-001) shall be used.

(5) All applicable water quality criteria set under Subsection F of 20.6.4.13 NMAC, 20.6.4.97 through 20.6.4.899 NMAC and 20.6.4.900 NMAC shall be attained at the boundaries of mixing zones. A continuous zone of passage through or around the mixing zone shall be maintained in which the water quality meets all applicable criteria and allows the migration of aquatic life presently common in surface waters of the state with no effect on their populations.

F. Multiple uses: When a surface water of the state has more than a single designated use, the applicable numeric criteria shall be the most stringent of those established for such water.

G. Human health-organism only criteria in Subsection J of 20.6.4.900 NMAC apply to those waters with a designated, existing or attainable aquatic life use. When limited aquatic life is a designated use, the human health-organism only criteria apply only for persistent toxic pollutants, [~~if~~] unless adopted on a segment-specific basis. The human health-organism only criteria for persistent toxic pollutants, as identified in Subsection J of 20.6.4.900 NMAC, also apply to all tributaries of waters with a designated, existing or attainable aquatic life use.

H. Unclassified waters of the state: An unclassified surface water of the state is presumed to support the uses specified in Section 101(a)(2) of the federal Clean Water Act. As such, it is subject to 20.6.4.98 NMAC if nonperennial or subject to 20.6.4.99 NMAC if perennial. The commission may include an ephemeral unclassified surface water of the state under 20.6.4.97 NMAC only if a use attainability analysis demonstrates pursuant to 20.6.4.15 NMAC that attainment of Section 101(a)(2) uses is not feasible.

I. Exceptions: Numeric criteria for temperature, dissolved solids, dissolved oxygen, sediment or turbidity adopted under the Water Quality Act do not apply when changes in temperature, dissolved solids, dissolved oxygen, sediment or turbidity in a surface water of the state are attributable to:

(1) natural causes (discharges from municipal separate storm sewers are not covered by this exception.); or

(2) the reasonable operation of irrigation and flood control facilities that are not subject to federal or state water pollution control permitting; major reconstruction of storage dams or diversion dams except for emergency actions necessary to protect health and safety of the public are not covered by this exception.

[20.6.4.11 NMAC - Rp 20 NMAC 6.1.1103, 10/12/2000; A, 10/11/2002; Rn, 20.6.4.10 NMAC, 5/23/2005; A, 5/23/2005; A, 12/1/2010; A, 4/23/2022; A, MM/DD/YYYY]

20.6.4.12 COMPLIANCE WITH WATER QUALITY STANDARDS: The following provisions apply to determining compliance for enforcement purposes; they do not apply for purposes of determining attainment of uses. The department has developed assessment protocols for the purpose of determining attainment of uses that are available for review from the department's surface water quality bureau.

A. Compliance with acute water quality criteria shall be determined from the analytical results of a single grab sample. Acute criteria shall not be exceeded.

B. Compliance with chronic water quality criteria shall be determined from the arithmetic mean of the analytical results of samples collected using applicable protocols. Chronic criteria shall not be exceeded more than once every three years.

C. Compliance with water quality standards for total ammonia shall be determined by performing the biomonitoring procedures set out in Subsections D and E of 20.6.4.14 NMAC, or by attainment of applicable ammonia criteria set out in Subsections K, L and M of 20.6.4.900 NMAC.

D. Compliance with the human health-organism only criteria shall be determined from the analytical results of representative grab samples, as defined in the water quality management plan. Human health-organism only criteria shall not be exceeded.

E. The commission may establish a numeric water quality criterion at a concentration that is below the minimum quantification level. In such cases, the water quality standard is enforceable at the minimum quantification level.

F. For compliance with [~~hardness-dependent~~]calculated numeric criteria[~~, hardness (as mg $CaCO_3$/L)~~] that depend on water chemistry, all input parameters shall be determined from a sample taken at the same time that the sample for the contaminant is taken. If all input data are not available to calculate criteria, default input values may be used. Default values shall be justified in writing and supported by ecoregional or other watershed data.

G. Compliance schedules: The commission may allow the inclusion of a schedule of compliance in a NPDES permit issued to an existing facility on a case-by-case basis. Such schedule of compliance will be for the purpose of providing a permittee with adequate time to make treatment facility modifications necessary to comply with water quality based permit limitations determined to be necessary to implement new or revised water quality standards or wasteload allocation. Compliance schedules may be included in NPDES permits at the time of

permit renewal or modification and shall be written to require compliance at the earliest practicable time. Compliance schedules shall also specify milestone dates so as to measure progress towards final project completion (e.g., design completion, construction start, construction completion, date of compliance).

H. It is a policy of the commission to allow a temporary standard approved and adopted pursuant to Subsection [~~H~~]I of 20.6.4.10 NMAC to be included in the applicable federal Clean Water Act permit as enforceable limits and conditions. The temporary standard and any schedule of actions may be included at the earliest practicable time, and shall specify milestone dates so as to measure progress towards meeting the original standard. [20.6.4.12 NMAC - Rp 20 NMAC 6.1.1104, 10/12/2000; A, 10/11/2002; Rn, 20.6.4.11 NMAC, 5/23/2005; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, 4/23/2022; A, MM/DD/YYYY]

20.6.4.13 GENERAL CRITERIA: General criteria are established to sustain and protect existing or attainable uses of surface waters of the state. These general criteria apply to all surface waters of the state at all times, unless a specified criterion is provided elsewhere in this part. Surface waters of the state shall be free of any water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or unreasonably interfere with the public welfare or the use of property.

A. Bottom deposits and suspended or settleable solids:

(1) Surface waters of the state shall be free of water contaminants including fine sediment particles (less than two millimeters in diameter), precipitates or organic or inorganic solids from other than natural causes that have settled to form layers on or fill the interstices of the natural or dominant substrate in quantities that damage or impair the normal growth, function or reproduction of aquatic life or significantly alter the physical or chemical properties of the bottom.

(2) Suspended or settleable solids from other than natural causes shall not be present in surface waters of the state in quantities that damage or impair the normal growth, function or reproduction of aquatic life or adversely affect other designated uses.

B. Floating solids, oil and grease: Surface waters of the state shall be free of oils, scum, grease and other floating materials resulting from other than natural causes that would cause the formation of a visible sheen or visible deposits on the bottom or shoreline, or would damage or impair the normal growth, function or reproduction of human, animal, plant or aquatic life.

C. Color: Color-producing materials resulting from other than natural causes shall not create an aesthetically undesirable condition nor shall color impair the use of the water by desirable aquatic life presently common in surface waters of the state.

D. Organoleptic quality:

(1) Flavor of fish: Water contaminants from other than natural causes shall be limited to concentrations that will not impart unpalatable flavor to fish.

(2) Odor and taste of water: Water contaminants from other than natural causes shall be limited to concentrations that will not result in offensive odor or taste arising in a surface water of the state or otherwise interfere with the reasonable use of the water.

E. Plant nutrients: Plant nutrients from other than natural causes shall not be present in concentrations that will produce undesirable aquatic life or result in a dominance of nuisance species in surface waters of the state.

F. Toxic pollutants:

(1) Except as provided in 20.6.4.16 NMAC, surface waters of the state shall be free of toxic pollutants from other than natural causes in amounts, duration, concentrations, or combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or that will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish and other aquatic organisms to levels that will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers of aquatic organisms.

(2) Pursuant to this section, the human health-organism only criteria shall be as set out in 20.6.4.900 NMAC. When a human health-organism only criterion is not listed in 20.6.4.900 NMAC, the following provisions shall be applied in accordance with 20.6.4.11, 20.6.4.12 and 20.6.4.14 NMAC.

(a) The human health-organism only criterion shall be the recommended human health criterion for "consumption of organisms only" published by the U.S. environmental protection agency pursuant to Section 304(a) of the federal Clean Water Act. In determining such criterion for a cancer-causing toxic pollutant, a cancer risk of 10^{-5} (one cancer per 100,000 exposed persons) shall be used.

(b) When a numeric criterion for the protection of human health for the consumption of organism only has not been published by the U.S. environmental protection agency, a quantifiable criterion may be derived from data available in the U.S. environmental protection agency's Integrated Risk Information System (IRIS) using the appropriate formula specified in *Methodology for Deriving Ambient Water Quality Criteria for The Protection Of Human Health (2000)*, EPA-822-B-00-004.

(3) Pursuant to this section, the chronic aquatic life criteria shall be as set out in 20.6.4.900 NMAC. When a chronic aquatic life criterion is not listed in 20.6.4.900 NMAC, the following provisions shall be applied in sequential order in accordance with 20.6.4.11, 20.6.4.12 and 20.6.4.14 NMAC.

(a) The chronic aquatic life criterion shall be the "freshwater criterion continuous concentration" published by the U.S. environmental protection agency pursuant to Section 304(a) of the federal Clean Water Act;

(b) If the U.S. environmental protection agency has not published a chronic aquatic life criterion, a geometric mean LC-50 value shall be calculated for the particular species, genus or group that is representative of the form of life to be preserved, using the results of toxicological studies published in scientific journals.

(i) The chronic aquatic life criterion for a toxic pollutant that does not bioaccumulate shall be ten percent of the calculated geometric mean LC-50 value; and

(ii) The chronic aquatic life criterion for a toxic pollutant that does bioaccumulate shall be: the calculated geometric mean LC-50 adjusted by a bioaccumulation factor for the particular species, genus or group representative of the form of life to be preserved, but when such bioaccumulation factor has not been published, the criterion shall be one percent of the calculated geometric mean LC-50 value.

(4) Pursuant to this section, the acute aquatic life criteria shall be as set out in 20.6.4.900 NMAC. When an acute aquatic life criterion is not listed in 20.6.4.900 NMAC, the acute aquatic life criterion shall be the "freshwater criterion maximum concentration" published by the U.S. environmental protection agency pursuant to Section 304(a) of the federal Clean Water Act.

(5) Within 90 days of the issuance of a final NPDES permit containing a numeric criterion selected or calculated pursuant to Paragraph (2), Paragraph (3) or Paragraph (4) of Subsection F of this section, the department shall petition the commission to adopt such criterion into these standards.

G. Radioactivity: The radioactivity of surface waters of the state shall be maintained at the lowest practical level and shall in no case exceed the criteria set forth in the New Mexico Radiation Protection Regulations, 20.3.1 and 20.3.4 NMAC.

H. Pathogens: Surface waters of the state shall be free of pathogens from other than natural causes in sufficient quantity to impair public health or the designated, existing or attainable uses of a surface water of the state.

I. Temperature: Maximum temperatures for surface waters of the state have been specified in 20.6.4.97 through 20.6.4.900 NMAC. However, the introduction of heat by other than natural causes shall not increase the temperature, as measured from above the point of introduction, by more than 2.7°C (5°F) in a stream, or more than 1.7°C (3°F) in a lake or reservoir. In no case will the introduction of heat be permitted when the maximum temperature specified for the reach would thereby be exceeded. These temperature criteria shall not apply to impoundments constructed offstream for the purpose of heat disposal. High water temperatures caused by unusually high ambient air temperatures are not violations of these criteria.

J. Turbidity: Turbidity attributable to other than natural causes shall not reduce light transmission to the point that the normal growth, function or reproduction of aquatic life is impaired or that will cause substantial visible contrast with the natural appearance of the water. Activities or discharges shall not cause turbidity to increase more than 10 NTU over background turbidity when the background turbidity, measured at a point immediately upstream of the activity, is 50 NTU or less, nor to increase more than twenty percent when the background turbidity is more than 50 NTU. However, limited-duration turbidity increases caused by dredging, construction or other similar activities may be allowed provided all practicable turbidity control techniques have been applied and all appropriate permits, certifications and approvals have been obtained.

K. Total dissolved solids (TDS): TDS attributable to other than natural causes shall not damage or impair the normal growth, function or reproduction of animal, plant or aquatic life. TDS shall be measured by either the "calculation method" (sum of constituents) or the filterable residue method. Approved test procedures for these determinations are set forth in 20.6.4.14 NMAC.

L. Dissolved gases: Surface waters of the state shall be free of nitrogen and other dissolved gases at levels above one hundred ten percent saturation when this supersaturation is attributable to municipal, industrial or other discharges.

M. Biological integrity: Surface waters of the state shall support and maintain a balanced and integrated community of aquatic organisms with species composition, diversity and functional organization comparable to those of natural or minimally impacted water bodies of a similar type and region.

N. Wetlands: This general criterion applies to wetlands only. Wetlands shall be maintained and protected such that degradation through direct, indirect, or cumulative impacts does not result in the net loss of wetland acreage or biological, chemical, physical, and hydrological functions to the extent that such functions occur, as characterized by state-specific benchmarks. The functions of a wetland that are to be maintained and protected may include:

(1) erosion control through bank and shoreline stabilization;
(2) flood attenuation and flood protection;
(3) sediment and pollutant retention, which prevents or mitigates downstream migration;
(4) groundwater recharge and water storage for future use;
(5) low flow augmentation including baseflow maintenance;
(6) water filtration including removal or storage of nutrients and other contaminants;
(7) propagation or maintenance of aquatic and terrestrial species indigenous to wetlands;
(8) preservation of wildlife habitat including habitat for threatened or endangered species; or
(9) supporting biological diversity.

In addition, wetlands shall support recreation, wildlife habitat, aquatic life and livestock watering uses.

[20.6.4.13 NMAC - Rp 20 NMAC 6.1.1105, 10/12/2000; A, 10/11/2002; Rn, 20.6.4.12 NMAC, 5/23/2005; A, 5/23/2005; A, 12/1/2010; A, 4/23/2022; A, MM/DD/YYYY]

20.6.4.14 SAMPLING AND ANALYSIS:

A. Sampling and analytical techniques shall conform with methods described in the following references unless otherwise specified by the commission pursuant to a petition to amend these standards:

(1) "*Guidelines Establishing Test Procedures For The Analysis Of Pollutants Under The Clean Water Act*," 40 CFR Part 136 or any test procedure approved or accepted by EPA using procedures provided in 40 CFR Parts 136.3(d), 136.4, and 136.5;

(2) *Standard Methods For The Examination Of Water And Wastewater*, latest edition, American public health association;

(3) *Methods For Chemical Analysis Of Water And Waste*, and other methods published by EPA office of research and development or office of water;

(4) *Techniques Of Water Resource Investigations Of The U.S. Geological Survey*;

(5) *Annual Book Of ASTM Standards*: volumes 11.01 and 11.02, water (I) and (II), latest edition, ASTM international;

(6) *Federal Register*, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations;

(7) *National Handbook Of Recommended Methods For Water-Data Acquisition*, latest edition, prepared cooperatively by agencies of the United States government under the sponsorship of the U.S. geological survey; or

(8) *Federal Register*, latest methods published for monitoring pursuant to the Safe Drinking Water Act regulations.

B. Bacteriological Surveys: The monthly geometric mean shall be used in assessing attainment of criteria when a minimum of five samples is collected in a 30-day period.

C. Sampling Procedures:

(1) Streams: Stream monitoring stations below discharges shall be located a sufficient distance downstream to ensure adequate vertical and lateral mixing.

(2) Lakes: Sampling stations in lakes shall be located at least 250 feet from a discharge.

(3) Lakes: Except for the restriction specified in Paragraph (2) of this subsection, lake sampling stations shall be located at any site where the attainment of a water quality criterion is to be assessed. [~~Water quality measurements taken at intervals in the entire water column at a sampling station shall be averaged for the epilimnion, or in the absence of an epilimnion, for the upper one-third of the water column of the lake to determine attainment of criteria, except that attainment of criteria for toxic pollutants shall be assessed during periods of complete vertical mixing, e.g., during spring or fall turnover, or by taking depth-integrated composite samples of the water column.~~]

D. Acute toxicity of effluent to aquatic life shall be determined using the procedures specified in U.S. environmental protection agency "*Methods for Measuring The Acute Toxicity of Effluents and Receiving Waters To*

Freshwater and Marine Organisms" (5th Ed., 2002, EPA 821-R-02-012), or latest edition thereof if adopted by EPA at 40 CFR Part 136, which is incorporated herein by reference. Acute toxicities of substances shall be determined using at least two species tested in whole effluent and a series of effluent dilutions. Acute toxicity due to discharges shall not occur within the wastewater mixing zone in any surface water of the state with an existing or designated aquatic life use.

E. Chronic toxicity of effluent or ambient surface waters of the state to aquatic life shall be determined using the procedures specified in U.S. environmental protection agency "*Short-Term Methods For Estimating The Chronic Toxicity Of Effluents And Receiving Waters To Freshwater Organisms*" (4th Ed., 2002, EPA 821-R-02-013), or latest edition thereof if adopted by EPA at 40 CFR Part 136, which is incorporated herein by reference. Chronic toxicities of substances shall be determined using at least two species tested in ambient surface water or whole effluent and a series of effluent dilutions. Chronic toxicity due to discharges shall not occur at the critical low flow, or any flow greater than the critical low flow, in any surface water of the state with an existing or designated aquatic life use more than once every three years.

F. Emerging Contaminants Monitoring: The department may require monitoring, analysis and reporting of emerging contaminants as a condition of a federal permit under Section 401 of the federal Clean Water Act.

[20.6.4.14 NMAC - Rp 20 NMAC 6.1.1106, 10/12/2000; Rn, 20.6.4.13 NMAC, 5/23/2005 & A, 5/23/2005; A, 12/1/2010; A 4/23/2022; A, MM/DD/YYYY]

20.6.4.15 USE ATTAINABILITY ANALYSIS:

A. Regulatory requirements for a use attainability analysis. Whenever a use attainability analysis is conducted, it shall be subject to the requirements and limitations set forth in 40 CFR Part 131, Water Quality Standards; specifically, Subsections 131.3(g), 131.10(g), 131.10(h) and 131.10(j) shall be applicable. In accordance with 40 CFR 131.10(i), and 20.6.4.10 NMAC, the amendment of a designated use, based on an existing use with more stringent criteria, does not require a use attainability analysis.

(1) The commission may remove a designated use, that is not an existing use, specified in Section 101(a)(2) of the federal Clean Water Act or adopt subcategories of a use in Section 101(a)(2) of the federal Clean Water Act requiring less stringent criteria only if a use attainability analysis demonstrates that attaining the use is not feasible because of a factor listed in 40 CFR 131.10(g). Uses in Section 101(a)(2) of the federal Clean Water Act, which refer to the protection and propagation of fish, shellfish and wildlife and recreation in and on the water, are also specified in Subsection B of 20.6.4.6 NMAC.

(2) A designated use cannot be removed if it is an existing use unless a use requiring more stringent criteria is designated.

B. Methods for developing a use attainability analysis. A use attainability analysis shall assess the physical, chemical, biological, economic or other factors affecting the attainment of a use. The analysis shall rely on scientifically defensible methods such as the methods described in the latest edition(s) of the following documents:

(1) *Water Quality Standards Handbook*, United States environmental protection agency, office of water, Washington, D.C., for current guidance and case studies for developing and implementing water quality standards;

[~~(1)~~]**(2)** *Technical Support Manual: Waterbody Surveys And Assessments For Conducting Use Attainability Analyses*, volume I (November 1983) and volume III (November 1984) [~~or latest editions~~], United States environmental protection agency, office of water, regulations and standards, Washington, D.C., for the evaluation of aquatic life or wildlife uses;

[~~(2)~~]**(3)** [~~the department's~~] *Water Quality Management Plan and Continuing Planning Process, Hydrology Protocol*, [~~latest edition, approved by the~~] water quality control commission, Santa Fe, NM, for identifying ephemeral, intermittent, and perennial waters; or

[~~(3)~~]**(4)** *Interim Economic Guidance For Water Quality Standards - Workbook*, March 1995, in conjunction with *Clean Water Act Financial Capability Assessment Guidance*, March 2024, United States environmental protection agency, office of water, Washington, D.C. for evaluating economic impacts.

C. Determining the highest attainable use. If the use attainability analysis determines that the designated use is not attainable based on one of the factors in 40 CFR 131.10(g), the use attainability analysis shall demonstrate the support for removing the designated use and then determine the highest attainable use, as defined in 40 CFR 131.3(m), for the protection and propagation of fish, shellfish and wildlife and recreation in and on the water based on methods described in Subsection B of this section.

D. Process to amend a designated use through a use attainability analysis.

(1) The process for developing a use attainability analysis and petitioning the commission for removing a designated use and establishing the highest attainable use shall be done in accordance with the State's current *Water Quality Management Plan/Continuing Planning Process*.

(2) If the findings of a use attainability analysis, conducted by the department, in accordance with the department's *Hydrology Protocol* (latest edition) demonstrates that federal Clean Water Act Section 101(a)(2) uses, that are not existing uses, are not feasible in an ephemeral [~~water body~~] waterbody due to the factor in 40 CFR 131.10(g)(2), the department may consider proceeding with the expedited use attainability analysis process in accordance with the State's current *Water Quality Management Plan/Continuing Planning Process*. The following elements must be met for the expedited use attainability analysis process to be authorized and implemented:

(a) The department is the primary investigator of the use attainability analysis;

(b) The use attainability analysis determined, through the application of the *Hydrology Protocol*, that the [~~water~~] waterbody being investigated is ephemeral and has no effluent discharges of sufficient volume that could compensate for the low-flow;

(c) The use attainability analysis determined that the criteria associated with the existing uses of the [~~water~~] waterbody being investigated are not more stringent than those in 20.6.4.97 NMAC;

(d) The designated uses in 20.6.4.97 NMAC have been determined to be the highest attainable uses for the [~~water~~] waterbody being analyzed;

(e) The department posted the use attainability analysis on its water quality standards website and notified its interested parties list of a 30-day public comment period;

(f) The department reviewed and responded to any comments received during the 30-day public comment period; and

(g) The department submitted the use attainability analysis and response to comments to [~~region 6~~] EPA for technical [~~approval~~] review.

(3) If EPA approves the designated use revision(s) under section 303(c) of the Clean Water Act, the water shall be subject to 20.6.4.97 NMAC for federal Clean Water Act purposes. The use attainability analysis, the technical support document, and the applicability of 20.6.4.97 NMAC to the water shall be posted on the department's water quality standards website. The department shall periodically petition the commission to list ephemeral waters under Subsection C of 20.6.4.97 NMAC and to incorporate changes to classified segments as appropriate.

E. Use attainability analysis conducted by an entity other than the department. Any person may submit notice to the department stating their intent to conduct a use attainability analysis.

(1) The [~~proponent~~] notice shall [~~provide such notice along with~~] include a work plan supporting the development of a use attainability analysis [~~to~~] for the department's [~~and region 6 EPA for~~] review and comment.

(2) Upon approval of the work plan by the department, [~~the proponent shall conduct~~] the use attainability analysis shall be conducted in accordance with the applicable portions of Subsections A through D of this Section and [~~implement~~] public [~~noticing~~] notice provided in accordance with the approved work plan.

(3) Work plan elements. The work plan shall identify, at a minimum:

(a) the waterbody of concern and the reasoning for conducting a use attainability analysis;

(b) the source and validity of data to be used to demonstrate whether the current designated use is not attainable;

(c) the factors in 40 CFR 131.10(g) affecting the attainment of that use;

(d) a description of the data being proposed to be used to demonstrate the highest attainable use;

(e) the provisions for consultation with appropriate state and federal agencies;

(f) a description of how stakeholders and potentially affected tribes will be identified and engaged;

(g) a description of the public notice mechanisms to be employed; and

(h) the expected timelines outlining the administrative actions to be taken for a rulemaking petition, pending the outcome of the use attainability analysis.

(4) Upon completion of the use attainability analysis, [~~the proponent shall submit~~] the data, findings and conclusions shall be submitted to the department, and [~~provide~~] public notice of the use attainability analysis provided in accordance with the approved work plan.

(5) Pending the conclusions of the use attainability analysis and as described in the approved work plan, the [~~department or the proponent~~] person conducting the use attainability analysis may petition the commission to modify the designated use. [~~The cost of such use attainability analysis shall be the responsibility of the proponent. Subsequent costs associated with the administrative rulemaking process shall be the responsibility of the petitioner.~~]

[20.6.4.15 NMAC - Rp 20 NMAC 6.1.1107, 10/12/2000; Rn, 20.6.4.14 NMAC, 5/23/2005; A, 5/23/2005; A, 7/17/2005; A, 12/1/2010; A, 4/23/2022; A, MM/DD/YYYY]

20.6.4.16 PLANNED USE OF A PISCICIDE: The use of a piscicide registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. Section 136 *et seq*., and under the New Mexico Pesticide Control Act (NMPCA), Section 76-4-1 *et seq*. NMSA 1978 (1973) in a surface water of the state, shall not be a violation of Subsection F of 20.6.4.13 NMAC when such use is covered by a federal national pollutant discharge elimination system (NPDES) permit or has been approved by the commission under procedures provided in this section. The use of a piscicide which is covered by a NPDES permit shall require no further review by the commission and the person whose application is covered by the NPDES permit shall meet the additional notification and monitoring requirements outlined in Subsection G of 20.6.4.16 NMAC. The commission may approve the reasonable use of a piscicide under this section if the proposed use is not covered by a NPDES permit to further a Clean Water Act objective to restore and maintain the physical or biological integrity of surface waters of the state, including restoration of native species.

A. Any person seeking commission approval of the use of a piscicide not covered by a NPDES permit shall file a written petition concurrently with the commission and the surface water bureau of the department. The petition shall contain, at a minimum, the following information:

(1) petitioner's name and address;

(2) identity of the piscicide and the period of time (not to exceed five years) or number of applications for which approval is requested;

(3) documentation of registration under FIFRA and NMPCA and certification that the petitioner intends to use the piscicide according to the label directions, for its intended function;

(4) target and potential non-target species in the treated waters and adjacent riparian area, including threatened or endangered species;

(5) potential environmental consequences to the treated waters and the adjacent riparian area, and protocols for limiting such impacts;

(6) surface water of the state proposed for treatment;

(7) results of pre-treatment survey;

(8) evaluation of available alternatives and justification for selecting piscicide use;

(9) documentation of notice requesting public comment on the proposed use within a 30-day period, including information as described in Paragraphs (1), (2) and (6) of Subsection A of 20.6.4.16 NMAC, provided to:

(a) local political subdivisions;

(b) local water planning entities;

(c) local conservancy and irrigation districts; and

(d) local media outlets, except that the petitioner shall only be required to publish notice in a newspaper of circulation in the locality affected by the proposed use.

(10) copies of public comments received in response to the publication of notice and the petitioner's responses to public comments received;

(11) post-treatment assessment monitoring protocol; and

(12) any other information required by the commission.

B. Within 30 days of receipt of the petition, the department shall review the petition and file a recommendation with the commission to grant, grant with conditions or deny the petition. The recommendation shall include reasons, and a copy shall be sent to the petitioner by certified mail.

C. The commission shall review the petition, the public comments received under Paragraphs (9) and (10) of Subsection A of 20.6.4.16 NMAC, the petitioner's responses to public comments and the department's technical recommendations for the petition. A public hearing shall be held if the commission determines there is substantial public interest. The commission shall notify the petitioner and those commenting on the petition of the decision whether to hold a hearing and the reasons therefore in writing.

D. If the commission determines there is substantial public interest a public hearing shall be held within 90 days of receipt of the department's recommendation in the locality affected by the proposed use in

accordance with 20.1.3 NMAC, Adjudicatory Procedures - Water Quality Control Commission. Notice of the hearing shall be given in writing by the petitioner to individuals listed under Subsection A of 20.6.4.16 NMAC as well as to individuals who provided public comment under that subsection at least 30 days prior to the hearing.

E. In a hearing provided for in this section or, if no hearing is held, in a commission meeting, the registration of a piscicide under FIFRA and NMPCA shall provide a rebuttable presumption that the determinations of the EPA Administrator in registering the piscicide, as outlined in 7 U.S.C. Section 136a(c)(5), are valid. For purposes of this Section the rebuttable presumptions regarding the piscicide include:

(1) Its composition is such as to warrant the proposed claims for it;

(2) Its labeling and other material submitted for registration comply with the requirements of FIFRA and NMPCA;

(3) It will perform its intended function without unreasonable adverse effects on the environment; and

(4) When used in accordance with all FIFRA label requirements it will not generally cause unreasonable adverse effects on the environment.

(5) "Unreasonable adverse effects on the environment" has the meaning provided in FIFRA, 7 U.S.C. Section 136(bb): "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide."

F. After a public hearing, or commission meeting if no hearing is held, the commission may grant the petition in whole or in part, may grant the petition subject to conditions, or may deny the petition. In granting any petition in whole or part or subject to conditions, the commission shall require the petitioner to implement post-treatment assessment monitoring and provide notice to the public in the immediate and near downstream vicinity of the application prior to and during the application.

G. Any person whose application is covered by a NPDES permit shall provide written notice to local entities as described in Subsection A of 20.6.4.16 NMAC and implement post-treatment assessment monitoring within the application area as described in Subsection F of 20.6.4.16 NMAC.

[20.6.4.16 NMAC - Rn, Paragraph (6) of Subsection F of 20.6.4.12 NMAC, 5/23/2005; A, 5/23/2005; A, 3/2/2017]

20.6.4.17 - 20.6.4.49 [**RESERVED**]

20.6.4.50 BASINWIDE PROVISIONS - Special provisions arising from interstate compacts, international treaties or court decrees or that otherwise apply to a basin are contained in 20.6.4.51 through 20.6.4.59 NMAC.

[20.6.4.50 NMAC - N, 5/23/2005]

20.6.4.51 [**RESERVED**]

20.6.4.52 PECOS RIVER BASIN - In order to protect existing and designated uses, it is a goal of the state of New Mexico to prevent increases in TDS in the Pecos river above the following benchmark values, which are expressed as flow-weighted, annual average concentrations, at three USGS gaging stations: at Santa Rosa 500 mg/L; near Artesia 2,700 mg/L; and near Malaga 3,600 mg/L. The benchmark values serve to guide state action. They are adopted pursuant to the New Mexico Water Quality Act, not the Clean Water Act.

[20.6.4.52 NMAC - N, 12/1/2010]

20.6.4.53 [**RESERVED**]

20.6.4.54 COLORADO RIVER BASIN - For the tributaries of the Colorado river system, the state of New Mexico will cooperate with the Colorado river basin states and the federal government to support and implement the salinity policy and program outlined in the most current "review, water quality standards for salinity, Colorado river system" or equivalent report by the Colorado river salinity control forum.

A. Numeric criteria expressed as the flow-weighted annual average concentration for salinity are established at three points in the Colorado river basin as follows: below Hoover dam, 723 mg/L; below Parker dam, 747 mg/L; and at Imperial dam, 879 mg/L.

B. As a part of the program, objectives for New Mexico shall include the elimination of discharges of water containing solids in solution as a result of the use of water to control or convey fly ash from coal-fired electric generators, wherever practicable.

[20.6.4.54 NMAC - Rn, Paragraphs (1) through (3) of Subsection K of 20.6.4.12 NMAC, 5/23/2005; A, 5/23/2005]

20.6.4.55 - 20.6.4.96 [RESERVED]

20.6.4.97 EPHEMERAL WATERS: Ephemeral surface waters of the state as identified below and additional ephemeral waters as identified on the department's water quality standards website pursuant to Paragraph (2) of Subsection D of 20.6.4.15 NMAC are subject to the designated uses and criteria as specified in this section. Ephemeral waters classified in 20.6.4.101-899 NMAC are subject to the designated uses and criteria as specified in those sections.

A. Designated uses: livestock watering, wildlife habitat, limited aquatic life and secondary contact.

B. Criteria: the use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses.

C. Waters:

(1) the following waters are designated in the Rio Grande basin:

(a) Cunningham gulch from Santa Fe county road 55 upstream 1.4 miles to a point upstream of the Lac minerals mine, identified as Ortiz mine on U.S. geological survey topographic maps;

(b) an unnamed tributary from Arroyo Hondo upstream 0.4 miles to the Village of Oshara water reclamation facility outfall;

(c) an unnamed tributary from San Pedro creek upstream 0.8 miles to the PAA-KO community sewer outfall;

(d) Inditos draw from the crossing of an unnamed road along a power line one-quarter mile west of McKinley county road 19 upstream to New Mexico highway 509;

(e) an unnamed tributary from the diversion channel connecting Blue canyon and Socorro canyon upstream 0.6 miles to the New Mexico firefighters academy treatment facility outfall;

(f) an unnamed tributary from the Albuquerque metropolitan arroyo flood control authority (AMAFCA) Rio Grande south channel upstream of the crossing of New Mexico highway 47 upstream to I-25;

(g) the south fork of Cañon del Piojo from Cañon del Piojo upstream 1.2 miles to an unnamed tributary;

(h) an unnamed tributary from the south fork of Cañon del Piojo upstream 1 mile to the Resurrection mine outfall;

(i) Arroyo del Puerto from San Mateo creek upstream 6.8 miles to the Ambrosia Lake mine entrance road;

(j) an unnamed tributary from San Mateo creek upstream 1.5 miles to the Roca Honda mine facility outfall;

(k) San Isidro arroyo, including unnamed tributaries to San Isidro arroyo, from Arroyo Chico upstream to its headwaters;

(l) Arroyo Tinaja, including unnamed tributaries to Arroyo Tinaja, from San Isidro arroyo upstream to 2 miles northeast of the Cibola national forest boundary;

(m) Mulatto canyon from Arroyo Tinaja upstream to 1 mile northeast of the Cibola national forest boundary; and

(n) Doctor arroyo, including unnamed tributaries to Doctor arroyo, from San Isidro arroyo upstream to its headwaters, and excluding Doctor Spring and Doctor arroyo from the spring to its confluence with the unnamed tributary approximately one-half mile downstream of the spring.

(2) the following waters are designated in the Pecos river basin:

(a) an unnamed tributary from Hart canyon upstream 1 mile to South Union road;

(b) Aqua Chiquita from Rio Peñasco upstream to McEwan canyon; and

(c) Grindstone canyon upstream of Grindstone reservoir.

(3) the following waters are designated in the Canadian river basin:

(a) Bracket canyon upstream of the Vermejo river;

(b) an unnamed tributary from Bracket canyon upstream 2 miles to the Ancho mine; and

(c) Gachupin canyon from the Vermejo river upstream 2.9 miles to an unnamed west tributary near the Ancho mine outfall.

(4) in the San Juan river basin an unnamed tributary of Kim-me-ni-oli wash upstream of the mine outfall.

(5) the following waters are designated in the Little Colorado river basin:

(a) Defiance draw from County Road 1 to upstream of West Defiance Road; and

(b) an unnamed tributary of Defiance draw from McKinley county road 1 upstream to New Mexico highway 264.

(6) the following waters are designated in the closed basins:

(a) in the Tularosa river closed basin San Andres canyon downstream of South San Andres canyon; and

(b) in the Mimbres river closed basin San Vicente arroyo from the Mimbres river upstream to Maudes canyon.

[20.6.4.97 NMAC - N, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, 12/17/2019; A, 4/23/2022]

20.6.4.98 INTERMITTENT WATERS: All non-perennial surface waters of the state, except those ephemeral waters included under section 20.6.4.97 NMAC or classified in 20.6.4.101-899 NMAC.

A. Designated uses: livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.

B. Criteria: the use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following site-specific criteria apply: the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.98 NMAC - N, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, MM/DD/YYYY]

20.6.4.99 PERENNIAL WATERS: All perennial surface waters of the state except those classified in 20.6.4.101-899 NMAC.

A. Designated uses: Warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following site-specific criteria apply: the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.99 NMAC - N, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, MM/DD/YYYY]

20.6.4.100 [**RESERVED**]

20.6.4.101 RIO GRANDE BASIN: The main stem of the Rio Grande from the international boundary with Mexico upstream to one mile downstream of Percha dam.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criterion applies: temperature 34°C (93.2°F) or less.

(2) At mean monthly flows above 350 cfs, the monthly average concentration for: TDS 2,000 mg/L or less, sulfate 500 mg/L or less and chloride 400 mg/L or less.

C. Remarks: sustained flow in the Rio Grande below Caballo reservoir is dependent on release from Caballo reservoir during the irrigation season; at other times of the year, there may be little or no flow.

[20.6.4.101 NMAC - Rp 20 NMAC 6.1.2101, 10/12/2010; A, 12/15/2001; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.102 RIO GRANDE BASIN: The main stem of the Rio Grande from one mile downstream of Percha dam upstream to Caballo dam.

A. Designated uses: irrigation, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

C. Remarks: sustained flow in the Rio Grande downstream of Caballo reservoir is dependent on release from Caballo reservoir during the irrigation season; at other times of the year, there may be little or no flow.

[20.6.4.102 NMAC - Rp 20 NMAC 6.1.2102, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.103 RIO GRANDE BASIN: Perennial reaches of tributaries to the Rio Grande in Sierra and Socorro counties not specifically identified under other sections of 20.6.4 NMAC, excluding waters on tribal lands.

A. Designated uses: irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life, secondary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.103 NMAC - Rp 20 NMAC 6.1.2103, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 4/23/2022]

[**NOTE:** This segment was divided effective 4/23/2022. The standards for the main stem of the Rio Grande from the headwaters of Caballo reservoir upstream to Elephant Butte dam, perennial reaches of Palomas creek, perennial reaches of Rio Salado, perennial reaches of Percha creek, perennial reaches of Alamosa creek, Las Animas creek, and perennial reaches of Abo arroyo are under 20.6.4.112 NMAC.]

20.6.4.104 RIO GRANDE BASIN: Caballo and Elephant Butte reservoir.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.104 NMAC - Rp 20 NMAC 6.1.2104, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.105 RIO GRANDE BASIN: The main stem of the Rio Grande from the headwaters of Elephant Butte reservoir upstream to Alameda bridge (Corrales bridge), excluding waters on Isleta pueblo.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, public water supply, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At mean monthly flows above 100 cfs, the monthly average concentration for: TDS l,500 mg/L or less, sulfate 500 mg/L or less and chloride 250 mg/L or less.

[20.6.4.105 NMAC - Rp 20 NMAC 6.1.2105, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.106 RIO GRANDE BASIN: The main stem of the Rio Grande from Alameda bridge (Corrales bridge) upstream to the Angostura diversion works, excluding waters on Santa Ana pueblo, and intermittent water in the Jemez river below the Jemez pueblo boundary, excluding waters on Santa Ana and Zia pueblos, that enters the main stem of the Rio Grande. Portions of the Rio Grande in this segment are under the joint jurisdiction of the state and Sandia pueblo.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact; and public water supply on the Rio Grande.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At mean monthly flows above 100 cfs, the monthly average concentration for: TDS 1,500 mg/L or less, sulfate 500 mg/L or less and chloride 250 mg/L or less.

[20.6.4.106 NMAC - Rp 20 NMAC 6.1.2105.1, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.107 RIO GRANDE BASIN: The Jemez river from the Jemez pueblo boundary upstream to Soda dam near the town of Jemez Springs and perennial reaches of Vallecito creek.

A. Designated uses: coldwater aquatic life, primary contact, irrigation, livestock watering and wildlife habitat; and public water supply on Vallecito creek.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F).

[20.6.4.107 NMAC - Rp 20 NMAC 6.1.2105.5, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.108 RIO GRANDE BASIN: Perennial reaches of the Jemez river upstream of Soda dam near the town of Jemez Springs and perennial reaches of tributaries to the Jemez river except those not specifically identified under other sections of 20.6.4 NMAC, and perennial reaches of the Guadalupe river and perennial reaches of tributaries to the Guadalupe river, and Calaveras canyon.

A. Designated uses: domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 400 µS/cm or less (800 µS/cm or less on Sulphur creek); the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less; and pH within the range of 2.0 to 8.8 on Sulphur creek.

[20.6.4.108 NMAC - Rp 20 NMAC 6.1.2106, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012; A, 4/23/2022]

[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.124 NMAC. The standards for San Gregorio lake are in 20.6.4.134 NMAC, effective 7/10/2012]

20.6.4.109 RIO GRANDE BASIN: Perennial reaches of Bluewater creek excluding Bluewater lake and waters on tribal lands, Rio Moquino upstream of Laguna pueblo, Seboyeta creek, Rio Paguate upstream of Laguna pueblo, the Rio Puerco upstream of the northern boundary of Cuba, and all other perennial reaches of tributaries to the Rio Puerco, including the Rio San Jose in Cibola county from the USGS gaging station at Correo upstream to Horace springs excluding waters on tribal lands.

A. Designated uses: coldwater aquatic life, domestic water supply, fish culture, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on La Jara creek.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: phosphorus (unfiltered sample) 0.1 mg/L or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.109 NMAC - Rp 20 NMAC 6.1.2107, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012]

[**NOTE:** The standards for Bluewater lake are in 20.6.4.135 NMAC, effective 7/10/2012]

20.6.4.110 RIO GRANDE BASIN: The main stem of the Rio Grande from Angostura diversion works upstream to Cochiti dam, excluding the reaches on San Felipe, Kewa and Cochiti pueblos.

A. Designated uses: irrigation, livestock watering, wildlife habitat, primary contact, coldwater aquatic life and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: pH within the range of 6.6 to 9.0 and temperature 25°C (77°F) or less.

[20.6.4.110 NMAC - Rp 20 NMAC 6.1.2108, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.111 RIO GRANDE BASIN: Perennial reaches of Las Huertas creek from the San Felipe pueblo boundary to the headwaters.

A. Designated uses: high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.

[20.6.4.111 NMAC - Rp 20 NMAC 6.1.2108.5, 10/12/2000; A, 7/25/2001; A, 5/23/2005; A-12/1/2010]

[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.125 NMAC.]

20.6.4.112 RIO GRANDE BASIN: The main stem of the Rio Grande from the headwaters of Caballo reservoir upstream to Elephant Butte dam, perennial reaches of Palomas creek, perennial reaches of Rio Salado, perennial reaches of Percha creek, perennial reaches of Alamosa creek, Las Animas creek, and perennial reaches of Abo arroyo.

A. Designated uses: irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

C. Remarks: flow in this reach of the Rio Grande main stem is dependent upon release from Elephant Butte dam.

[20.6.4.112 NMAC - Rp 20 NMAC 6.1.2109, 10/12/2000; A, 5/23/2005; Repealed, 12/1/2010; A, 4/23/2022]

20.6.4.113 RIO GRANDE BASIN: The Santa Fe river and perennial reaches of its tributaries from the Cochiti pueblo boundary upstream to the outfall of the Santa Fe wastewater treatment facility.

A. Designated uses: irrigation, livestock watering, wildlife habitat, primary contact and coolwater aquatic life.

B. Criteria: The use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 30°C (86°F) or less.

[20.6.4.113 NMAC - Rp 20 NMAC 6.1.2110, 10/12/2000; A, 10/11/2002; A, 5/23/2005; A, 12/1/2010; A, 2/14/2013]

20.6.4.114 RIO GRANDE BASIN: The main stem of the Rio Grande from the Cochiti pueblo boundary upstream to Rio Pueblo de Taos excluding waters on San Ildefonso, Santa Clara and Ohkay Owingeh pueblos, Embudo creek from its mouth on the Rio Grande upstream to the Picuris Pueblo boundary, the Santa Cruz river from the Santa Clara pueblo boundary upstream to the Santa Cruz dam, the Rio Tesuque except waters on the Tesuque and Pojoaque pueblos, and the Pojoaque river from the San Ildefonso pueblo boundary upstream to the Pojoaque pueblo boundary. Some Rio Grande waters in this segment are under the joint jurisdiction of the state and San Ildefonso pueblo.

A. Designated uses: irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life, primary contact and warmwater aquatic life; and public water supply on the main stem Rio Grande.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: 6T3 temperature 22°C (71.6°F) and maximum temperature 25°C (78.8°F). In addition, the following criteria based on a 12-month rolling average are applicable to the public water supply use for monitoring and public disclosure purposes only:

Radionuclide	pCi/L
Americium-241	1.9
Cesium-137	6.4
Plutonium-238	1.5
Plutonium-239/240	1.5
Strontium-90	3.5
Tritium	4,000

(2) At mean monthly flows above 100 cfs, the monthly average concentration for: TDS 500 mg/L or less, sulfate 150 mg/L or less and chloride 25 mg/L or less.

[20.6.4.114 NMAC - Rp 20 NMAC 6.1.2111, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.115 RIO GRANDE BASIN: The perennial reaches of Rio Vallecitos, perennial reaches of tributaries to Rio Vallecitos except Hopewell lake, and perennial reaches of Rio del Oso and perennial reaches of El Rito creek above the town of El Rito.

A. Designated uses: domestic water supply, irrigation, high quality coldwater aquatic life, livestock watering, wildlife habitat and primary contact; public water supply on the Rio Vallecitos and El Rito creek.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.115 NMAC - Rp 20 NMAC 6.1.2112, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012; A, 4/23/2022]

[**NOTE:** The standards for Hopewell lake are in 20.6.4.134 NMAC, effective 7/10/2012]

20.6.4.116 RIO GRANDE BASIN: The Rio Chama from its mouth on the Rio Grande upstream to Abiquiu reservoir, perennial reaches of the Rio Tusas, perennial reaches of the Rio Ojo Caliente, perennial reaches of Abiquiu creek and perennial reaches of El Rito creek downstream of the town of El Rito.

A. Designated uses: irrigation, livestock watering, wildlife habitat, coldwater aquatic life, warmwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 31°C (87.8°F) or less.

[20.6.4.116 NMAC - Rp 20 NMAC 6.1.2113, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, 4/23/2022]

20.6.4.117 RIO GRANDE BASIN: Abiquiu reservoir.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, primary contact, coldwater aquatic life and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.

[20.6.4.117 NMAC - Rp 20 NMAC 6.1.2114, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.118 RIO GRANDE BASIN: The Rio Chama from the headwaters of Abiquiu reservoir upstream to El Vado reservoir and perennial reaches of the Rio Gallina and Rio Puerco de Chama north of state highway 96. Some Rio Chama waters in this segment are under the joint jurisdiction of the state and the Jicarilla Apache tribe.

A. Designated uses: irrigation, livestock watering, wildlife habitat, coldwater aquatic life, warmwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 26°C (78.8°F) or less.

[20.6.4.118 NMAC - Rp 20 NMAC 6.1.2115, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.119 RIO GRANDE BASIN: All perennial reaches of tributaries to the Rio Chama above Abiquiu dam, except Canjilon lakes a, c, e and f and the Rio Gallina and Rio Puerco de Chama north of state highway 96 and excluding waters on Jicarilla Apache reservation, and the main stem of the Rio Chama from the headwaters of El Vado reservoir upstream to the New Mexico-Colorado line. Some Cañones creek and Rio Chama waters in this segment are under the joint jurisdiction of the state and the Jicarilla Apache tribe.

A. Designated uses: domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the Rio Brazos and Rio Chama.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 500 µS/cm or less (1,000 µS or less for Coyote creek); the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.119 NMAC - Rp 20 NMAC 6.1.2116, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012]

[**NOTE:** The standards for Canjilon lakes a, c, e and f are in 20.6.4.134 NMAC, effective 7/10/2012]

20.6.4.120 RIO GRANDE BASIN: El Vado and Heron reservoirs.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, public water supply, primary contact and coldwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.120 NMAC - Rp 20 NMAC 6.1.2117, 10/12/2000; A. 5/23/2005; A, 12/1/2010]

20.6.4.121 RIO GRANDE BASIN: Perennial tributaries to the Rio Grande in Bandelier national monument and their headwaters in Sandoval county and all perennial reaches of tributaries to the Rio Grande in Santa Fe county unless included in other segments and excluding waters on tribal lands.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on Little Tesuque creek, the Rio en Medio, and the Santa Fe river.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.121 NMAC - Rp 20 NMAC 6.1.2118, 10/12/2000; A. 5/23/2005; A, 12/1/2010; A, 2/14/2013]

[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for the additional segments are under 20.6.4.126, 20.6.4.127 and 20.6.4.128 NMAC.]

20.6.4.122 RIO GRANDE BASIN: The main stem of the Rio Grande from Rio Pueblo de Taos upstream to the New Mexico-Colorado line, the Red river from its mouth on the Rio Grande upstream to the

mouth of Placer creek, and the Rio Pueblo de Taos from its mouth on the Rio Grande upstream to the mouth of the Rio Grande del Rancho. Some Rio Grande and Rio Pueblo de Taos waters in this segment are under the joint jurisdiction of the state and Taos pueblo.

A. Designated uses: coldwater aquatic life, fish culture, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.122 NMAC - Rp 20 NMAC 6.1.2119, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.123 RIO GRANDE BASIN: Perennial reaches of the Red river upstream of the mouth of Placer creek, all perennial reaches of tributaries to the Red river, and all other perennial reaches of tributaries to the Rio Grande in Taos and Rio Arriba counties unless included in other segments and excluding waters on Santa Clara, Ohkay Owingeh, Picuris and Taos pueblos.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the Rio Pueblo and Rio Fernando de Taos.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 400 µS/cm or less (500 µS/cm or less for the Rio Fernando de Taos); the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less; and phosphorus (unfiltered sample) less than 0.1 mg/L for the Red river.

[20.6.4.123 NMAC - Rp 20 NMAC 6.1.2120, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.129 NMAC.]

20.6.4.124 RIO GRANDE BASIN: Perennial reaches of Sulphur creek from its confluence with Redondo creek upstream to its headwaters.

A. Designated uses: limited aquatic life, wildlife habitat, livestock watering and secondary contact.

B. Criteria: the use-specific criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: pH within the range of 2.0 to 9.0, maximum temperature 30ºC (86ºF), and the chronic aquatic life criteria of Subsections I and J of 20.6.4.900 NMAC.

[20.6.4.124 NMAC - N, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.125 RIO GRANDE BASIN: Perennial reaches of San Pedro creek from the San Felipe pueblo boundary to the headwaters.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.

[20.6.4.125 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.126 RIO GRANDE BASIN: Perennial waters within lands managed by the U.S. department of energy (DOE) within Los Alamos National Laboratory (LANL), including but not limited to: Cañon de Valle from LANL stream gage E256 upstream to Burning Ground spring, Sandia canyon at Sigma canyon upstream to Sandia canyon at Bedrock Road, Pajarito canyon from 0.5 miles below Arroyo de La Delfe upstream to Homestead spring, Arroyo de la Delfe from Pajarito canyon to Kieling spring, Starmers gulch and Starmers spring and Water canyon from Area-A canyon upstream to State Route 501.

A. Designated uses: coldwater aquatic life, livestock watering, wildlife habitat and secondary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.126 NMAC - N, 5/23/2005; A, 12/1/2010; A, 4/23/2022; A, 11/8/2025]

20.6.4.127 RIO GRANDE BASIN: Perennial portions of Los Alamos canyon upstream from Los Alamos reservoir and Los Alamos reservoir.

A. Designated uses: coldwater aquatic life, livestock watering, wildlife habitat, irrigation and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.127 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.128 RIO GRANDE BASIN: Ephemeral and intermittent waters within lands managed by U.S. department of energy (DOE) within LANL, including but not limited to: Mortandad canyon, Cañada del Buey, Ancho canyon, Chaquehui canyon, Indio canyon, Fence canyon, Potrillo canyon, and portions of Cañon de Valle, Los Alamos canyon, Sandia canyon, Pajarito canyon and Water canyon not identified in 20.6.4.126 NMAC or 20.6.4.140 NMAC. (Surface waters within lands scheduled for transfer from DOE to tribal, state or local authorities are specifically excluded.)

A. Designated uses: livestock watering, wildlife habitat, limited aquatic life and secondary contact.

B. Criteria: the use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the acute total ammonia criteria set forth in Subsection L of 20.6.4.900 NMAC (*Oncorhynchus* spp. absent).

[20.6.4.128 NMAC - N, 5/23/2005; A, 12/1/2010; A, 4/23/2022]

[**NOTE:** This section was divided effective 4/23/2022. The standards for some intermittent waters within LANL are in 20.6.4.140 NMAC.]

20.6.4.129 RIO GRANDE BASIN: Perennial reaches of the Rio Hondo.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 400 µS/cm or less and phosphorus (unfiltered sample) less than 0.1 mg/L.

[20.6.4.129 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.130 RIO GRANDE BASIN: The Rio Puerco from the Rio Grande upstream to Arroyo Chijuilla, excluding the reaches on Isleta, Laguna and Cañoncito Navajo pueblos. Some waters in this segment are under the joint jurisdiction of the state and Isleta, Laguna or Cañoncito Navajo pueblos.

A. Designated uses: irrigation, warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At mean monthly flows above 100 cfs, the monthly average concentration for: TDS l,500 mg/L or less, sulfate 500 mg/L or less and chloride 250 mg/L or less.

[20.6.4.130 NMAC - N, 12/1/2010]

20.6.4.131 RIO GRANDE BASIN: The Rio Puerco from the confluence of Arroyo Chijuilla upstream to the northern boundary of Cuba.

A. Designated uses: warmwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.131 NMAC - N, 12/1/2010]

20.6.4.132 RIO GRANDE BASIN: Rio Grande (Klauer) spring

A. Designated uses: domestic water supply, wildlife habitat, livestock watering, coldwater aquatic life use and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.132 NMAC - N, 12/1/2010]

20.6.4.133 RIO GRANDE BASIN: Bull Creek lake, Cow lake, Elk lake, Goose lake, Heart lake, Hidden lake (Lake Hazel), Horseshoe lake, Horseshoe (Alamitos) lake, Jose Vigil lake, Lost lake, Middle Fork lake, Nambe lake, Nat II lake, Nat IV lake, No Fish lake, Pioneer lake, San Leonardo lake, Santa Fe lake, Serpent lake, South Fork lake, Trampas lakes (east and west) and Williams lake.

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.133 NMAC - N, 7/10/2012]

20.6.4.134 RIO GRANDE BASIN: Cabresto lake, Canjilon lakes a, c, e and f, Fawn lakes (east and west), Hopewell lake and San Gregorio lake.

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.134 NMAC - N, 7/10/2012]

20.6.4.135 RIO GRANDE BASIN: Bluewater lake and Santa Cruz lake.

A. Designated uses: coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: phosphorus (unfiltered sample) 0.1 mg/L or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.135 NMAC - N, 7/10/2012; A, MM/DD/YYYY]

20.6.4.136 RIO GRANDE BASIN: The Santa Fe river from the outfall of the Santa Fe wastewater treatment facility to Guadalupe street.

A. Designated uses: limited aquatic life, wildlife habitat, primary contact, livestock watering, and irrigation.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.136 NMAC - N, 2/14/2013]

20.6.4.137 RIO GRANDE BASIN: The Santa Fe river from Guadalupe street to Nichols reservoir.

A. Designated uses: coolwater aquatic life, wildlife habitat, primary contact, livestock watering, and irrigation.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.137 NMAC - N, 2/14/2013]

20.6.4.138 RIO GRANDE BASIN: Nichols and McClure reservoirs.

A. Designated uses: high quality coldwater aquatic life, wildlife habitat, primary contact, public water supply and irrigation.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.138 NMAC - N, 2/14/2013]

20.6.4.139 RIO GRANDE BASIN: Perennial reaches of Galisteo creek and perennial reaches of its tributaries from Kewa pueblo upstream to 2.2 miles upstream of Lamy.

A. Designated uses: coolwater aquatic life, primary contact, irrigation, livestock watering, domestic water supply and wildlife habitat; and public water supply on Cerrillos reservoir.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.139 NMAC - N, 2/14/2013]

20.6.4.140 RIO GRANDE BASIN: Effluent canyon from Mortandad canyon to its headwaters, intermittent portions of S-Site canyon from monitoring well MSC 16-06293 to Martin spring, and intermittent portions of Twomile canyon from its confluence with Pajarito canyon to Upper Twomile canyon. (Surface waters within lands scheduled for transfer from DOE to tribal, state or local authorities are specifically excluded.)

A. Designated uses: livestock watering, wildlife habitat, marginal warmwater aquatic life and secondary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.
[20.6.4.140 NMAC - N, 4/23/2022]

20.6.4.141 RIO GRANDE BASIN: Sandia canyon from Sandia canyon at Bedrock Road upstream to LANL NPDES outfall 001.

A. Designated uses: coolwater aquatic life, livestock watering, wildlife habitat and secondary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following additional segment-specific criterion applies: a 6T3 temperature of 25°C (77°F).
[20.6.4.141 NMAC - N, 11/8/2025]

20.6.4.142 - 20.6.4.200 [RESERVED]

20.6.4.201 PECOS RIVER BASIN: The main stem of the Pecos river from the New Mexico-Texas line upstream to the mouth of the Black river (near Loving).

A. Designated uses: irrigation, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: dissolved boron for irrigation use 2,000 µg/L or less.

(2) At all flows above 50 cfs: TDS 20,000 mg/L or less, sulfate 3,000 mg/L or less and chloride 10,000 mg/L or less.
[20.6.4.201 NMAC - Rp 20 NMAC 6.1.2201, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.202 PECOS RIVER BASIN: The main stem of the Pecos river from the mouth of the Black river upstream to lower Tansil dam, including perennial reaches of the Black river, the Delaware river and Blue spring.

A. Designated uses: industrial water supply, irrigation, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 34°C (93.2°F) or less.

(2) At all flows above 50 cfs: TDS 8,500 mg/L or less, sulfate 2,500 mg/L or less and chloride 3,500 mg/L or less.

C. Remarks: diversion for irrigation frequently limits summer flow in this reach of the main stem Pecos river to that contributed by springs along the watercourse.
[20.6.4.202 NMAC - Rp 20 NMAC 6.1.2202, 10/12/2000; A, 5/23/2005; A, 12/1/2010]
[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for Lower Tansil Lake and Lake Carlsbad are under 20.6.4.218 NMAC.]

20.6.4.203 PECOS RIVER BASIN: The main stem of the Pecos river from the headwaters of Lake Carlsbad upstream to Avalon dam.

A. Designated uses: industrial water supply, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: temperature 34°C (93.2°F) or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.203 NMAC - Rp 20 NMAC 6.1.2203, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for Lower Tansil Lake and Lake Carlsbad are under 20.6.4.218 and for Avalon Reservoir are under 20.6.4.219 NMAC.]

20.6.4.204 PECOS RIVER BASIN: The main stem of the Pecos river from the headwaters of Avalon reservoir upstream to Brantley dam.

A. Designated uses: irrigation, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.204 NMAC - Rp 20 NMAC 6.1.2204, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 4/23/2022]

[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for Avalon Reservoir are under 20.6.4.219 NMAC.]

20.6.4.205 PECOS RIVER BASIN: Brantley reservoir.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.205 NMAC - Rp 20 NMAC 6.1.2205, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.206 PECOS RIVER BASIN: Perennial reaches of the Rio Felix[~~ and perennial reaches of tributaries to the Rio Hondo downstream of Bonney canyon, excluding North Spring river~~].

A. Designated uses: irrigation, livestock watering, wildlife habitat, secondary contact and warmwater aquatic life.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At all flows above 50 cfs: TDS 14,000 mg/L or less, sulfate 3,000 mg/L or less and chloride 6,000 mg/L or less.

[20.6.4.206 NMAC - Rp 20 NMAC 6.1.2206, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, 4/23/2022; A, MM/DD/YYYY]

[**NOTE:** This segment was divided effective 4/23/2022. The standards for the main stem of the Pecos river from the headwaters of Brantley reservoir upstream to Salt creek (near Acme), perennial reaches of the Rio Peñasco downstream from state highway 24 near Dunken, and perennial reaches of the Rio Hondo are under 20.6.4.231 NMAC.]

20.6.4.207 PECOS RIVER BASIN: The main stem of the Pecos river from Salt creek (near Acme) upstream to Sumner dam.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At all flows above 50 cfs: TDS 8,000 mg/L or less, sulfate 2,500 mg/L or less and chloride 4,000 mg/L or less.

[20.6.4.207 NMAC - Rp 20 NMAC 6.1.2207, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 4/23/2022]

20.6.4.208 PECOS RIVER BASIN: Perennial reaches of the Rio Peñasco above [~~state highway 24 near Dunken~~] Bear Canyon, perennial reaches of tributaries to the Rio Peñasco above [~~state highway 24 near Dunken~~] Bear Canyon, perennial reaches of Cox canyon, perennial reaches of the Rio Bonito downstream from [~~state highway 48 (near Angus)~~] Angus canyon, the Rio Ruidoso downstream of [~~the U.S. highway 70 bridge~~] Palo Verde canyon near Seeping Springs lakes, perennial reaches of the Rio Hondo upstream from Bonney canyon and perennial reaches of Agua Chiquita.

A. Designated uses: fish culture, irrigation, livestock watering, wildlife habitat, coldwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: temperature 30°C (86°F) or less, and phosphorus (unfiltered sample) less than 0.1 mg/L.

[20.6.4.208 NMAC - Rp 20 NMAC 6.1.2208, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 4/23/2022; A, MM/DD/YYYY]

20.6.4.209 PECOS RIVER BASIN: Perennial reaches of Eagle creek upstream of Alto dam to the Mescalero Apache boundary, perennial reaches of the Rio Bonito upstream of [~~state highway 48 (near Angus)~~] Angus canyon excluding Bonito lake, perennial reaches of tributaries to the Rio Bonito upstream of [~~state highway 48 (near Angus)~~] Angus canyon, perennial reaches of the Rio Ruidoso upstream of [~~the U.S. highway 70 bridge~~] Palo Verde canyon near Seeping Springs lakes above and below the Mescalero Apache boundary and perennial reaches of tributaries to the Rio Ruidoso upstream of [~~the U.S. highway 70 bridge~~] Palo Verde canyon near Seeping Springs lakes above and below the Mescalero Apache boundary.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 600 µS/cm or less in Eagle creek, 1,100 µS/cm or less in Bonito creek and 1,500 µS/cm or less in the Rio Ruidoso; phosphorus (unfiltered sample) less than 0.1 mg/L; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.209 NMAC - Rp 20 NMAC 6.1.2209, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012; A, 4/23/2022; A, MM/DD/YYYY]

[**NOTE:** The standards for Bonito lake are in 20.6.4.223 NMAC, effective 7/10/2012]

20.6.4.210 PECOS RIVER BASIN: Sumner reservoir.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.210 NMAC - Rp 20 NMAC 6.1.2210, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.211 PECOS RIVER BASIN: The main stem of the Pecos river from the headwaters of Sumner reservoir upstream to Tecolote creek excluding Santa Rosa reservoir.

A. Designated uses: fish culture, irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At all flows above 50 cfs: TDS 3,000 mg/L or less, sulfate 2,000 mg/L or less and chloride 400 mg/L or less.

[20.6.4.211 NMAC - Rp 20 NMAC 6.1.2211, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012]

[**NOTE:** The standards for Santa Rosa reservoir are in 20.6.4.225 NMAC, effective 7/10/2012]

20.6.4.212 PECOS RIVER BASIN: Perennial tributaries to the main stem of the Pecos river from the headwaters of Sumner reservoir upstream to Santa Rosa dam.

A. Designated uses: irrigation, coldwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.
[20.6.4.212 NMAC - Rp 20 NMAC 6.1.2211.1, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.213 PECOS RIVER BASIN: McAllister lake.

A. Designated uses: coldwater aquatic life, secondary contact, livestock watering and wildlife habitat.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.
[20.6.4.213 NMAC - Rp 20 NMAC 6.1.2211.3, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.214 PECOS RIVER BASIN: Storrie lake.

A. Designated uses: coldwater aquatic life, warmwater aquatic life, primary contact, livestock watering, wildlife habitat, public water supply and irrigation storage.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.214 NMAC - Rp 20 NMAC 6.1.2211.5, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.215 PECOS RIVER BASIN: Perennial reaches of the Gallinas river upstream of the diversion for the Las Vegas municipal reservoir, perennial reaches of tributaries to the Gallinas river upstream of the diversion for the Las Vegas municipal reservoir, perennial reaches of Tecolote creek upstream of Blue creek and all perennial reaches of tributaries to Tecolote creek upstream of Blue creek.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat, industrial water supply and primary contact; and public water supply on the Gallinas river.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less (450 µS/cm or less in Wright Canyon creek); the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.215 NMAC - Rp 20 NMAC 6.1.2212, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 2/13/2018; A, 4/23/2022]
[**NOTE:** This segment was divided effective 2/13/2018. The standards for Tecolote creek from I-25 to Blue creek are under 20.6.4.230 NMAC.]

20.6.4.216 PECOS RIVER BASIN: The main stem of the Pecos river from Tecolote creek upstream to Cañon de Manzanita.

A. Designated uses: irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 30°C (86°F) or less.

(2) At all flows above 10 cfs: TDS 250 mg/L or less, sulfate 25 mg/L or less and chloride 5 mg/L or less.
[20.6.4.216 NMAC - Rp 20 NMAC 6.1.2213, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.217 PECOS RIVER BASIN: Perennial reaches of Cow creek and all perennial reaches of its tributaries and the main stem of the Pecos river from Cañon de Manzanita upstream to its headwaters, including perennial reaches of all tributaries thereto except lakes identified in 20.6.4.222 NMAC.

A. Designated uses: domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact; and public water supply on the main stem of the Pecos river.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.
[20.6.4.217 NMAC - Rp 20 NMAC 6.1.2214, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012]
[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for the additional segments are under 20.6.4.220 and 20.6.4.221 NMAC.]

20.6.4.218 PECOS RIVER BASIN: Lower Tansil lake and Lake Carlsbad.

A. Designated uses: industrial water supply, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 34°C (93.2°F) or less.

[20.6.4.218 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.219 PECOS RIVER BASIN: Avalon reservoir.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, [~~secondary~~] primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.219 NMAC - N, 5/23/2005; A, 12/1/2010; A, MM/DD/YYYY]

20.6.4.220 PECOS RIVER BASIN: Perennial reaches of the Gallinas river and perennial reaches of tributaries to the Gallinas river from its mouth upstream to the diversion for the Las Vegas municipal reservoir, except Pecos Arroyo.

A. Designated uses: irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 30°C (86°F) or less.

[20.6.4.220 NMAC - N, 5/23/2005; A, 12/1/2010; A, 4/23/2022]

20.6.4.221 PECOS RIVER BASIN: Pecos Arroyo.

A. Designated uses: livestock watering, wildlife habitat, warmwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 206 cfu/100 mL, single sample 940 cfu/100 mL.

[20.6.4.221 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.222 PECOS RIVER BASIN: Johnson lake, Katherine lake, Lost Bear lake, Pecos Baldy lake, Spirit lake, Stewart lake and Truchas lakes (north and south).

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.222 NMAC - N, 7/10/2012]

20.6.4.223 PECOS RIVER BASIN: Bonito lake.

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering, wildlife habitat and public water supply.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: specific conductance 1100 µS/cm or less; phosphorus (unfiltered sample) less than 0.1 mg/L; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.223 NMAC - N, 7/10/2012]

20.6.4.224 PECOS RIVER BASIN: Monastery lake.

A. Designated uses: coolwater aquatic life, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.224 NMAC - N, 7/10/2012]

20.6.4.225 PECOS RIVER BASIN: Santa Rosa reservoir.

A. Designated uses: coolwater aquatic life, irrigation, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.225 NMAC - N, 7/10/2012]

20.6.4.226 PECOS RIVER BASIN: Perch lake.

A. Designated uses: coolwater aquatic life, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.226 NMAC - N, 7/10/2012]

20.6.4.227 PECOS RIVER BASIN: Lea lake.

A. Designated uses: warmwater aquatic life, primary contact and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.227 NMAC - N, 7/10/2012]

20.6.4.228 PECOS RIVER BASIN: Cottonwood lake and Devil's Inkwell.

A. Designated uses: coolwater aquatic life, primary contact and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.228 NMAC - N, 7/10/2012]

20.6.4.229 PECOS RIVER BASIN: Mirror lake.

A. Designated uses: warmwater aquatic life, primary contact and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.229 NMAC - N, 7/10/2012]

20.6.4.230 PECOS RIVER BASIN: Perennial reaches of Tecolote creek from I-25 to Blue creek.

A. Designated uses: domestic water supply, coolwater aquatic life, irrigation, livestock watering, wildlife habitat, and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.230 NMAC - N, 2/13/2018]

20.6.4.231 PECOS RIVER BASIN: The main stem of the Pecos river from the headwaters of Brantley reservoir upstream to Salt creek (near Acme), perennial reaches of the Rio Peñasco downstream from [~~state highway 24 near Dunken~~]Bear Canyon, [~~perennial reaches of North Spring river and~~]perennial reaches of the Rio Hondo and perennial reaches of its tributaries downstream of Bonney canyon.

A. Designated uses: irrigation, livestock watering, wildlife habitat, primary contact and warmwater aquatic life.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) At all flows above 50 cfs: TDS 14,000 mg/L or less, sulfate 3,000 mg/L or less and chloride 6,000 mg/L or less.

[20.6.4.231 NMAC - N, 4/23/2022; A, MM/DD/YYYY]

20.6.4.232 - 20.6.4.300 [RESERVED]

20.6.4.301 CANADIAN RIVER BASIN: The main stem of the Canadian river from the New Mexico-Texas line upstream to Ute dam, and any flow that enters the main stem from Revuelto creek.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) TDS 6,500 mg/L or less at flows above 25 cfs.

[20.6.4.301 NMAC - Rp 20 NMAC 6.1.2301, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.302 CANADIAN RIVER BASIN: Ute reservoir.

A. Designated uses: livestock watering, wildlife habitat, public water supply, industrial water supply, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.302 NMAC - Rp 20 NMAC 6.1.2302, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.303 CANADIAN RIVER BASIN: The main stem of the Canadian river from the headwaters of Ute reservoir upstream to Conchas dam, the perennial reaches of Pajarito and Ute creeks and their perennial tributaries.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.303 NMAC - Rp 20 NMAC 6.1.2303, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.304 CANADIAN RIVER BASIN: Conchas reservoir.

A. Designated uses: irrigation storage, livestock watering, wildlife habitat, public water supply, primary contact and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.304 NMAC - Rp 20 NMAC 6.1.2304, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.305 CANADIAN RIVER BASIN: The main stem of the Canadian river from the headwaters of Conchas reservoir upstream to the New Mexico-Colorado line, perennial reaches of the Conchas river, the Mora river downstream from the USGS gaging station near Shoemaker, the Vermejo river downstream from Rail canyon and perennial reaches of Raton, Chicorica (except Lake Maloya and Lake Alice) and Uña de Gato creeks.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) TDS 3,500 mg/L or less at flows above 10 cfs.

[20.6.4.305 NMAC - Rp 20 NMAC 6.1.2305, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

[**NOTE:** This segment was divided effective 12/1/2010. The standards for Lake Alice and Lake Maloya are under 20.6.4.311 and 20.6.4.312 NMAC, respectively.]

20.6.4.306 CANADIAN RIVER BASIN: The Cimarron river downstream from state highway 21 in Cimarron to the Canadian river and all perennial reaches of tributaries to the Cimarron river downstream from state highway 21 in Cimarron.

A. Designated uses: irrigation, warmwater aquatic life, livestock watering, wildlife habitat and primary contact; and public water supply on Cimarroncito creek.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

(2) TDS 3,500 mg/L or less at flows above 10 cfs.

[20.6.4.306 NMAC - Rp 20 NMAC 6.1.2305.1, 10/12/2000; A, 7/19/2001; A, 5/23/2005; A, 12/1/2010]

20.6.4.307 CANADIAN RIVER BASIN: Perennial reaches of the Mora river from the USGS gaging station near Shoemaker upstream to [~~the state highway 434 bridge in Mora~~]Rio la Casa, all perennial reaches of tributaries to the Mora river downstream from the USGS gaging station at La Cueva in San Miguel and Mora counties except [~~lakes~~]waters identified in 20.6.4.309 NMAC or 20.6.4.313 NMAC, perennial reaches of Ocate creek downstream of Ocate, perennial reaches of tributaries to Ocate creek downstream of Ocate, and perennial reaches of Rayado creek downstream of Miami lake diversion in Colfax county.

A. Designated uses: marginal coldwater aquatic life, warmwater aquatic life, primary contact, irrigation, livestock watering and wildlife habitat.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.307 NMAC - Rp 20 NMAC 6.1.2305.3, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012; A, 4/23/2022; A, MM/DD/YYYY]

20.6.4.308 CANADIAN RIVER BASIN: Charette lakes.

A. Designated uses: coldwater aquatic life, warmwater aquatic life, [~~secondary~~]primary contact, livestock watering and wildlife habitat.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.308 NMAC - Rp 20 NMAC 6.1.2305.5, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, MM/DD/YYYY]

20.6.4.309 CANADIAN RIVER BASIN: The Mora river and perennial reaches of its tributaries upstream from [~~the state highway 434 bridge in Mora~~] Rio la Casa except lakes identified in 20.6.4.313 NMAC, all perennial reaches of tributaries to the Mora river upstream from the USGS gaging station at La Cueva, perennial reaches of Coyote creek upstream of Amola ridge, and perennial reaches of tributaries to Coyote creek upstream to Amola ridge, the Cimarron river above state highway 21 in Cimarron, perennial reaches of tributaries to the Cimarron river above state highway 21 in Cimarron except Eagle Nest lake, all perennial reaches of tributaries to the Cimarron river north and northwest of highway 64 except north and south Shuree ponds, perennial reaches of Rayado creek above Miami lake diversion, perennial reaches of tributaries to Rayado creek above Miami lake diversion, Ocate creek and perennial reaches of its tributaries upstream of Ocate, perennial reaches of the Vermejo river upstream from Rail canyon and all other perennial reaches of tributaries to the Canadian river northwest and north of U.S. highway 64 in Colfax county unless included in other segments.

A. Designated uses: domestic water supply, irrigation, high quality coldwater aquatic life, livestock watering, wildlife habitat, and primary contact; and public water supply on the Cimarron river upstream from Cimarron, on perennial reaches of Rayado creek and on perennial reaches of tributaries to Rayado creek.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 500 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.309 NMAC - Rp 20 NMAC 6.1.2306, 10/12/2000; A, 7/19/2001; A, 5/23/2005; A, 12/1/2010; A, 7/10/2012; A, 4/23/2022; A, MM/DD/YYYY]

[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.310 NMAC. The standards for Shuree ponds are in 20.6.4.314 NMAC and the standards for Eagle Nest lake are in 20.6.4.315 NMAC, effective 7/10/2012]

20.6.4.310 CANADIAN RIVER BASIN: Perennial reaches of Corrumpa creek.

A. Designated uses: livestock watering, wildlife habitat, irrigation, primary contact and coldwater aquatic life.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: temperature 25°C (77°F) or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

(2) TDS 1,200 mg/L or less, sulfate 600 mg/L or less, chloride 40 mg/L or less.

[20.6.4.310 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.311 CANADIAN RIVER BASIN: Lake Alice.

A. Designated uses: marginal coldwater aquatic life, irrigation, livestock watering, wildlife habitat, primary contact and public water supply.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.311 NMAC - N, 12/1/2010; A, 4/23/2022]

20.6.4.312 CANADIAN RIVER BASIN: Lake Maloya.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat, primary contact and public water supply.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.312 NMAC - N, 12/1/2010; A, 4/23/2022]

20.6.4.313 CANADIAN RIVER BASIN: Encantada lake, Maestas lake, Middle Fork lake of Rio de la Casa, North Fork lake of Rio de la Casa and Pacheco lake.

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.313 NMAC - N, 7/10/2012]

20.6.4.314 CANADIAN RIVER BASIN: Shuree ponds (north and south).

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: specific conductance 500 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.314 NMAC - N, 7/10/2012]

20.6.4.315 CANADIAN RIVER BASIN: Eagle Nest lake.

A. Designated uses: high quality coldwater aquatic life, irrigation, domestic water supply, primary contact, livestock watering, wildlife habitat and public water supply.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses except that the following segment-specific criteria apply: specific conductance 500 µS/cm or less; the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.315 NMAC - N, 7/10/2012]

20.6.4.316 CANADIAN RIVER BASIN: Clayton lake.

A. Designated uses: coolwater aquatic life, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.316 NMAC - N, 7/10/2012]

20.6.4.317 CANADIAN RIVER BASIN: Springer lake.

A. Designated uses: coolwater aquatic life, irrigation, primary contact, livestock watering, wildlife habitat, and public water supply.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.
[20.6.4.317 NMAC - N, 7/10/2012; A, 3/2/2017]

20.6.4.318 CANADIAN RIVER BASIN: Doggett creek.

A. Designated uses: Warm water aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific criteria in 20.6.4.900 NMAC are applicable to the designated uses, except that the following site-specific criteria apply: the monthly geometric mean of E. coli bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

C. Discharger-specific temporary standard:

(1) Discharger: City of Raton wastewater treatment plant

(2) NPDES permit number: NM0020273, Outfall 001

(3) Receiving waterbody: Doggett creek, 20.6.4.318 NMAC

(4) Discharge latitude/longitude: 36° 52' 13.91" N / 104° 25' 39.18" W

(5) Pollutant(s): nutrients; total nitrogen and total phosphorus

(6) Factor of issuance: substantial and widespread economic and social impacts (40 CFR 131.10(g)(6))

(7) Highest attainable condition: interim effluent condition of 8.0 mg/L total nitrogen and 1.6 mg/L total phosphorus as 30-day averages. The highest attainable condition shall be either the highest attainable condition identified at the time of the adoption, or any higher attainable condition later identified during any reevaluation, whichever is more stringent (40 CFR 131.14(b)(1)(iii)).

(8) Effective date of temporary standard: [~~This temporary standard becomes~~]effective for Clean Water Act purposes on [~~the date of EPA approval~~]July 24,2020.

(9) Expiration date of temporary standard: no later than 20 years from the effective date.

(10) Reevaluation period: at each succeeding review of water quality standards and at least once every five years from the effective date of the temporary standard (Paragraph (8) of Subsection [~~H~~]I of 20.6.4.10 NMAC, 40 CFR 131.14(b)(1)(v)). If the discharger cannot demonstrate that sufficient progress has been made the commission may revoke approval of the temporary standard or provide additional conditions to the approval of the temporary standard. If the reevaluation is not completed at the frequency specified or the Department does not submit the reevaluation to EPA within 30 days of completion, the underlying designated use and criterion will be the applicable water quality standard for Clean Water Act purposes until the Department completes and submits the reevaluation to EPA. Public input on the reevaluation will be invited during NPDES permit renewals or triennial reviews, as applicable, in accordance with the State's most current approved water quality management plan and continuing planning process.

(11) Timeline for proposed actions. Tasks and target completion dates are listed in the most recent, WQCC-approved version of the New Mexico Environment Department, Surface Water Quality Bureau's "Nutrient Temporary Standards for City of Raton Wastewater Treatment Plant, NPDES No. NM0020273 to Doggett Creek."
[20.6.4.318 NMAC - N, 05/22/2020; A, 04/23/2022; A, MM/DD/YYYY]

20.6.4.319 - 20.6.4.400 [RESERVED]

20.6.4.401 SAN JUAN RIVER BASIN: The main stem of the San Juan river from the Navajo Nation boundary at the Hogback upstream to its confluence with the Animas river. Some waters in this segment are under the joint jurisdiction of the state and the Navajo Nation.

A. Designated uses: public water supply, industrial water supply, irrigation, livestock watering, wildlife habitat, primary contact, marginal coldwater aquatic life and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 32.2°C (90°F) or less.
[20.6.4.401 NMAC - Rp 20 NMAC 6.1.2401, 10/12/2000; A, 5/23/2005; A, 12/1/2010]
[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.408 NMAC.]

20.6.4.402 SAN JUAN RIVER BASIN: La Plata river from its confluence with the San Juan river upstream to the New Mexico-Colorado line.

A. Designated uses: irrigation, marginal warmwater aquatic life, marginal coldwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 32.2°C (90°F) or less.

[20.6.4.402 NMAC - Rp 20 NMAC 6.1.2402, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.403 SAN JUAN RIVER BASIN: The Animas river from its confluence with the San Juan river upstream to Estes arroyo.

A. Designated uses: Public water supply, industrial water supply, irrigation, livestock watering, wildlife habitat, coolwater aquatic life, and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses[~~, except that the following segment-specific criterion applies: temperature 29°C (84.2°F) or less~~].

[20.6.4.403 NMAC - Rp 20 NMAC 6.1.2403, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, MM/DD/YYYY]

20.6.4.404 SAN JUAN RIVER BASIN: The Animas river from Estes arroyo upstream to the Southern Ute Indian tribal boundary.

A. Designated uses: Coolwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply, industrial water supply and primary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: phosphorus (unfiltered sample) 0.l mg/L or less.

[20.6.4.404 NMAC - Rp 20 NMAC 6.1.2404, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.405 SAN JUAN RIVER BASIN: The main stem of the San Juan river from Cañon Largo upstream to the Navajo dam.

A. Designated uses: high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply, industrial water supply and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 400 µS/cm or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.405 NMAC - Rp 20 NMAC 6.1.2405, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 4/23/2022]

20.6.4.406 SAN JUAN RIVER BASIN: Navajo reservoir in New Mexico.

A. Designated uses: coldwater aquatic life, warmwater aquatic life, irrigation storage, livestock watering, wildlife habitat, public water supply, industrial water supply and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: phosphorus (unfiltered sample) 0.1 mg/L or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.406 NMAC - Rp 20 NMAC 6.1.2406, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.407 SAN JUAN RIVER BASIN: Perennial reaches of the Navajo river from the Jicarilla Apache reservation boundary to the Colorado border and perennial reaches of Los Pinos river in New Mexico.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, public water supply, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: phosphorus (unfiltered sample) 0.1 mg/L or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.407 NMAC - Rp 20 NMAC 6.1.2407, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.408 SAN JUAN RIVER BASIN: The main stem of the San Juan river from its confluence with the Animas river upstream to its confluence with Cañon Largo.

A. Designated uses: public water supply, industrial water supply, irrigation, livestock watering, wildlife habitat, primary contact, marginal coldwater aquatic life and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 32.2°C (90°F) or less.

[20.6.4.408 NMAC - N, 5/23/2005; A, 12/1/2010; A, 4/23/2022]

20.6.4.409 SAN JUAN RIVER BASIN: Lake Farmington.

A. Designated uses: public water supply, wildlife habitat, livestock watering, primary contact, coldwater aquatic life and warmwater aquatic life.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.

[20.6.4.409 NMAC - N, 12/1/2010]

20.6.4.410 SAN JUAN RIVER BASIN: Jackson lake.

A. Designated uses: coolwater aquatic life, irrigation, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 206 cfu/100 mL or less, single sample 940 cfu/100 mL or less.

[20.6.4.410 NMAC - N, 7/10/2012]

20.6.4.411 - 20.6.4.450: [**RESERVED**]

20.6.4.451 LITTLE COLORADO RIVER BASIN: The Rio Nutria upstream of the Zuni pueblo boundary, Tampico draw, Agua Remora, Tampico springs.

A. Designated uses: coolwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.451 NMAC - N, 12/1/2010]

20.6.4.452 LITTLE COLORADO RIVER BASIN: Ramah lake.

A. Designated uses: coldwater aquatic life, warmwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.

[20.6.4.452 NMAC - N, 12/1/2010]

20.6.4.453 LITTLE COLORADO RIVER BASIN: Quemado lake.

A. Designated uses: coolwater aquatic life, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.453 NMAC - N, 7/10/2012]

20.6.4.454 - 20.6.4.500 [**RESERVED**]

20.6.4.501 GILA RIVER BASIN: The main stem of the Gila river from the New Mexico-Arizona line upstream to Redrock canyon and perennial reaches of streams in Hidalgo county.

A. Designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.501 NMAC - Rp 20 NMAC 6.1.2501, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.502 GILA RIVER BASIN: The main stem of the Gila river from Redrock canyon upstream to the confluence of the West Fork Gila river and East Fork Gila river and perennial reaches of tributaries to the Gila river downstream of Mogollon creek.

A. Designated uses: industrial water supply, irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life, and primary contact[~~ and warmwater aquatic life~~].

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 28°C (82.4°F) or less.

[20.6.4.502 NMAC - Rp 20 NMAC 6.1.2502, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A. MM/DD/YYYY]

20.6.4.503 GILA RIVER BASIN: All perennial tributaries to the Gila river upstream of and including Mogollon creek.

A. Designated uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance of 400 µS/cm or less for all perennial tributaries except West Fork Gila and tributaries thereto, specific conductance of 300 µS/cm or less; temperature [~~32.2~~]29°C ([~~90~~]84°F) or less in the east fork of the Gila river and Sapillo creek downstream of Lake Roberts; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.503 NMAC - Rp 20 NMAC 6.1.2503, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, MM/DD/YYYY]

20.6.4.504 GILA RIVER BASIN: Wall lake, Lake Roberts and Snow lake.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: specific conductance 300 µS/cm or less.

[20.6.4.504 NMAC - Rp 20 NMAC 6.1.2504, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.806 NMAC.]

20.6.4.505 GILA RIVER BASIN: Bill Evans lake.

A. Designated uses: coolwater aquatic life, primary contact, livestock watering and wildlife habitat.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.505 NMAC - N, 7/10/2012]

20.6.4.506 - 20.6.4.600 [RESERVED]

20.6.4.601 SAN FRANCISCO RIVER BASIN: The main stem of the San Francisco river from the New Mexico-Arizona line upstream to [~~state highway 12 at Reserve~~]the confluence with Largo canyon, and perennial reaches of Mule creek.

A. Designated uses: irrigation, [~~marginal warmwater and~~]marginal coldwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.601 NMAC - Rp 20 NMAC 6.1.2601, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, MM/DD/YYYY]

20.6.4.602 SAN FRANCISCO RIVER BASIN: The main stem of the San Francisco river from [~~state highway 12 at Reserve~~]the confluence with Largo canyon upstream to the New Mexico-Arizona line.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: temperature 25°C (77°F) or less.

[20.6.4.602 NMAC - Rp 20 NMAC 6.1.2602, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, MM/DD/YYYY]

20.6.4.603 SAN FRANCISCO RIVER BASIN: All perennial reaches of tributaries to the San Francisco river above the confluence of Whitewater creek and including Whitewater creek.

A. Designated uses: domestic water supply, fish culture, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 400 µS/cm or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less; and temperature 25°C (77°F) or less in Tularosa creek.

[20.6.4.603 NMAC - Rp 20 NMAC 6.1.2603, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.604 - 20.6.4.700 [**RESERVED**]

20.6.4.701 DRY CIMARRON RIVER: Perennial portions of the Dry Cimarron river above Oak creek and perennial reaches of Oak creek.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: temperature 25°C (77°F) or less, the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

(2) TDS 1,200 mg/L or less, sulfate 600 mg/L or less and chloride 40 mg/L or less.

[20.6.4.701 NMAC - Rp 20 NMAC 6.1.2701, 10/12/2000; A, 5/23/2005 A, 12/1/2010]

[**NOTE:** The segment covered by this section was divided effective 5/23/2005. The standards for the additional segment are under 20.6.4.702 NMAC.]

20.6.4.702 DRY CIMARRON RIVER: Perennial portions of the Dry Cimarron river below Oak creek, and perennial portions of Long canyon and Carrizozo creeks.

A. Designated uses: coolwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria:

(1) The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of *E. coli* bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

(2) TDS 1,200 mg/L or less, sulfate 600 mg/L or less and chloride 40 mg/L or less.

[20.6.4.702 NMAC - N, 5/23/2005; A, 12/1/2010; A, 7/10/2012]

20.6.4.703 - 20.6.4.800 [**RESERVED**]

20.6.4.801 CLOSED BASINS: Rio Tularosa upstream of the old U.S. highway 70 bridge crossing east of Tularosa and all perennial tributaries to the Tularosa basin except Three Rivers and Dog Canyon creek, and excluding waters on the Mescalero tribal lands.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.801 NMAC - Rp 20 NMAC 6.1.2801, 10/12/2000; A, 5/23/2005; A, 12/1/2010; A, 2/13/2018]

[**NOTE:** This segment was divided effective 2/13/2018. The standards for Dog Canyon creek are under 20.6.4.810 NMAC.]

20.6.4.802 CLOSED BASINS: Perennial reaches of Three Rivers.

A. Designated uses: irrigation, domestic water supply, high quality coldwater aquatic life, primary contact, livestock watering and wildlife habitat.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 500 µS/cm or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.802 NMAC - Rp 20 NMAC 6.1.2802, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.803 CLOSED BASINS: Perennial reaches of the Mimbres river downstream of the confluence with Allie canyon and all perennial reaches of tributaries thereto.

A. Designated uses: Coolwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less and temperature of 30°C (86°F) or less.

[20.6.4.803 NMAC - Rp 20 NMAC 6.1.2803, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017]

20.6.4.804 CLOSED BASINS: Perennial reaches of the Mimbres river upstream of the confluence with Allie canyon to Cooney canyon, and all perennial reaches of East Fork Mimbres (McKnight canyon) downstream of the fish barrier, and all perennial reaches thereto.

A. Designated uses: Irrigation, domestic water supply, coldwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.804 NMAC - Rp 20 NMAC 6.1.2804, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 2/28/2018; A, 3/2/2017]

[**NOTE:** The segment covered by this section was divided effective 3/2/2017. The standards for the additional segment are covered under 20.6.4.807 NMAC.]

20.6.4.805 CLOSED BASINS: Perennial reaches of the Sacramento river (Sacramento-Salt Flat closed basin) and all perennial tributaries thereto.

A. Designated uses: domestic water supply, livestock watering, wildlife habitat, marginal coldwater aquatic life and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses.

[20.6.4.805 NMAC - Rp 20 NMAC 6.1.2805, 10/12/2000; A, 5/23/2005; A, 12/1/2010]

20.6.4.806 CLOSED BASINS: Bear canyon reservoir.

A. Designated uses: coldwater aquatic life, irrigation, livestock watering, wildlife habitat and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criterion applies: specific conductance 300 µS/cm or less.

[20.6.4.806 NMAC - N, 5/23/2005; A, 12/1/2010]

20.6.4.807 CLOSED BASINS: Perennial reaches of the Mimbres river upstream of Cooney canyon and all perennial reaches thereto, including perennial reaches of East Fork Mimbres river (McKnight canyon) upstream of the fish barrier.

A. Designated uses: Irrigation, domestic water supply, high quality coldwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: specific conductance 300 µS/cm or less; the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.807 NMAC - N, 3/2/2017]

20.6.4.808 CLOSED BASINS: Perennial and intermittent watercourses within Smelter Tailing Soils Investigation Unit lands at the Chino mines company, excluding those ephemeral waters listed in 20.6.4.809 NMAC and including, but not limited to the mainstem of Lampbright draw, beginning at the confluence of Lampbright Draw with Rustler canyon, all tributaries that originate west of Lampbright draw to the intersection of Lampbright draw with U.S. 180, and all tributaries of Whitewater creek that originate east of Whitewater creek from the confluence of Whitewater creek with Bayard canyon downstream to the intersection of Whitewater creek with U.S. 180.

A. Designated uses: Warmwater aquatic life, livestock watering, wildlife habitat and primary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the acute and chronic aquatic life criteria for copper set forth in Subsection I of 20.6.4.900 NMAC shall be determined by multiplying that criteria by the water effect ratio ("WER") adjustment expressed by the following equation:

$$\text{WER} = \frac{[10^{0.588+(0.703 \times \log \text{DOC})+(0.395 \times \log \text{Alkalinity})}] \times (\frac{100}{\text{Hardness}})^{0.9422}}{19.31}$$

For purposes of this section, dissolved organic carbon (DOC) is expressed in units of milligrams carbon per liter or mg C/L; alkalinity is expressed in units of mg/L as $CaCO_3$, and hardness is expressed in units of mg/L as $CaCO_3$. In waters that contain alkalinity concentrations greater than 250 mg/L, a value of 250 mg/L shall be used in the equation. In waters that contain DOC concentrations greater than 16 mg C/L, a value of 16 mg C/L shall be used in the equation. In waters that contain hardness concentrations greater than 400 mg/L, a value of 400 mg/L shall be used in the equation. The alkalinity, hardness and DOC concentrations used to calculate the WER value are those measured in the subject water sample.

[20.6.4.808 NMAC - N, 3/2/2017]

20.6.4.809 CLOSED BASINS: Ephemeral watercourses within smelter tailing soils investigation unit lands at the Chino mines company, limited to Chino mines property subwatershed drainage A and tributaries thereof, Chino mines property subwatershed drainage B and tributaries thereof (excluding the northwest tributary containing Ash spring and the Chiricahua leopard frog critical habitat transect); Chino mines property subwatershed drainage C and tributaries thereof (excluding reaches containing Bolton spring, the Chiricahua leopard frog critical habitat transect and all reaches in subwatershed C that are upstream of the Chiricahua leopard frog critical habitat); subwatershed drainage D and tributaries thereof (drainages D-1, D-2 and D-3, excluding the southeast tributary in drainage D1 that contains Brown spring) and subwatershed drainage E and all tributaries thereof (drainages E-1, E-2 and E-3).

A. Designated uses: Limited aquatic life, livestock watering, wildlife habitat and secondary contact.

B. Criteria: The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the acute aquatic life criteria for copper set forth in Subsection I of 20.6.4.900 NMAC shall be determined by multiplying that criteria by the water effect ratio ("WER") adjustment expressed by the following equation:

$$\text{WER} = \frac{[10^{0.588+(0.703 \times \log \text{DOC})+(0.395 \times \log \text{Alkalinity})}] \times (\frac{100}{\text{Hardness}})^{0.9422}}{19.31}$$

For purposes of this section, dissolved organic carbon (DOC) is expressed in units of milligrams carbon per liter or mg C/L; alkalinity is expressed in units of mg/L as $CaCO_3$, and hardness is expressed in units of mg/L as $CaCO_3$. In waters that contain alkalinity concentrations greater than 250 mg/L, a value of 250 mg/L shall be used in the equation. In waters that contain DOC concentrations greater than 16 mg C/L, a value of 16 mg C/L shall be used in the equation. In waters that contain hardness concentrations greater than 400 mg/L, a value of 400 mg/L shall be used in the equation. The alkalinity, hardness and DOC concentrations used to calculate the WER value are those measured in the subject water sample.

[20.6.4.809 NMAC - N, 3/2/2017]

20.6.4.810 CLOSED BASINS: Perennial reaches of Dog Canyon creek.

A. Designated uses: coolwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply, and primary contact.

B. Criteria: the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses, except that the following segment-specific criteria apply: the monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less, single sample 235 cfu/100 mL or less.

[20.6.4.810 NMAC - N, 2/13/2018]

20.6.4.811 - 20.6.4.899 [RESERVED]

20.6.4.900 CRITERIA APPLICABLE TO EXISTING, DESIGNATED OR ATTAINABLE USES UNLESS OTHERWISE SPECIFIED IN 20.6.4.97 THROUGH 20.6.4.899 NMAC:

A. Fish culture and water supply: Fish culture, public water supply and industrial water supply are designated uses in particular classified waters of the state where these uses are actually being realized. However, no numeric criteria apply uniquely to these uses. Water quality adequate for these uses is ensured by the general criteria and numeric criteria for bacterial quality, pH and temperature.

B. Domestic water supply: Surface waters of the state designated for use as domestic water supplies shall not contain substances in concentrations that create a lifetime cancer risk of more than one cancer per 100,000 exposed persons. Those criteria listed under domestic water supply in Subsection J of this section apply to this use.

C. Irrigation and irrigation storage: the following numeric criteria and those criteria listed under irrigation in Subsection J of this section apply to this use:

(1) dissolved selenium 0.13 mg/L

(2) dissolved selenium in presence of >500 mg/L SO_4 0.25 mg/L.

D. Primary contact: The following criteria apply to this use:

(1) [~~The monthly geometric mean of~~] E. coli bacteria (monthly geometric mean) [~~of~~] 126 cfu/100 mL or MPN/100 ml[~~,~~].

(2) [~~a single sample of~~]E. coli bacteria (single sample) [~~of~~] 410 cfu/100 mL or MPN/100 mL[~~,~~].

(3) [~~a single sample of~~]total microcystins[~~of~~] 8 µg/L[~~with no more than three exceedances within a 12-month period and~~].

(4) [~~a single sample of~~]cylindrospermopsin[~~of~~] 15 µg/L[~~ with no more than three exceedances within a 12-month period, and~~].

(5) pH [~~within the range of~~] 6.6 to 9.0[~~ apply to this use. The results for E. coli may be reported as either colony forming units (CFU) or the most probable number (MPN) depending on the analytical method used.~~]

E. Secondary contact: The following criteria apply to this use:

(1) [~~The monthly geometric mean of~~]E. coli bacteria (monthly geometric mean)[~~ of~~] 548 cfu/100 mL or MPN/100 mL[~~ and~~].

(2) [~~single sample of~~]E. coli bacteria (single sample) 2507 cfu/100 mL or MPN/100 mL[~~ apply to this use. The results for E. coli may be reported as either colony forming units (CFU) or the most probable number (MPN), depending on the analytical method used~~].

F. Livestock watering: the criteria listed in Subsection J of this section for livestock watering apply to this use.

G. Wildlife habitat: Wildlife habitat shall be free from any substances at concentrations that are toxic to or will adversely affect plants and animals that use these environments for feeding, drinking, habitat or propagation; can bioaccumulate; or might impair the community of animals in a watershed or the ecological integrity of surface waters of the state. The numeric criteria listed in Subsection J for wildlife habitat apply to this use.

H. Aquatic life: Surface waters of the state with a designated, existing or attainable use of aquatic life shall be free from any substances at concentrations that can impair the community of plants and animals in or the ecological integrity of surface waters of the state. Except as provided in Paragraph (7) of this subsection, the acute and chronic aquatic life criteria set out in Subsections I, J, K and L of this section and the human health-organism only criteria set out in Subsection J of this section are applicable to all aquatic life use subcategories. In addition, the specific criteria for aquatic life subcategories in the following paragraphs apply to surface waters classified under the respective designations.

(1) High quality coldwater: Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 4T3 temperature applies.

(a) dissolved oxygen 6.0 mg/L or more.

(b) 4T3 temperature 20°C (68°F)[~~,~~].

(c) maximum temperature 23°C (73°F)[~~,~~].

(d) pH [~~within the range of~~] 6.6 to 8.8. [~~and~~]

(e) specific conductance [~~a segment-specific limit between~~] 300 µS/cm and 1,500 µS/cm. This specific conductance criterion is a segment-specific range depending on the natural background in the particular surface water of the state [~~(the intent of this criterion is~~] intended to prevent excessive increases in dissolved solids which would result in changes in community structure[~~)~~]. [~~Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 4T3 temperature applies.~~]

(2) Coldwater: Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.

(a) dissolved oxygen 6.0 mg/L or more[~~,~~].

(b) 6T3 temperature 20°C (68°F)[~~,~~].

(c) maximum temperature 24°C (75°F) [~~and~~].

(d) pH [~~within the range of~~] 6.6 to 8.8.

[~~Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.~~]

(3) Marginal coldwater: Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.

(a) dissolved oxygen 6 mg/L or more[~~,~~].

(b) 6T3 temperature 25°C (77°F)[~~,~~].

(c) maximum temperature 29°C (84°F) [~~and~~].

(d) pH [~~within the range from~~] 6.6 to 9.0. [~~Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.~~]

(4) Coolwater: Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(a) dissolved oxygen 5.0 mg/L or more[~~,~~].

(b) maximum temperature 29°C (84°F) [~~and~~].

(c) pH [~~within the range of~~] 6.6 to 9.0.

(5) Warmwater: Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(a) dissolved oxygen 5 mg/L or more[~~,~~].

(b) maximum temperature 32.2°C (90°F) [~~and~~].

(c) pH [~~within the range of~~] 6.6 to 9.0.

[~~Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.~~]

(6) Marginal warmwater: Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(a) dissolved oxygen 5 mg/L or more[~~,~~].

(b) pH [~~within the range of~~] 6.6 to 9.0 [~~and~~].

(c) maximum temperature[~~s~~] [~~that~~] may [~~routinely~~] exceed 32.2°C (90°F). [~~Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.~~]

(7) Limited aquatic life: pH within the range of 6.0 to 9.0. The acute aquatic life criteria of Subsections I and J of this section apply to this subcategory. Chronic aquatic life criteria do not apply unless adopted on a segment-specific basis. Human health-organism only criteria apply only for persistent toxic pollutants unless adopted on a segment-specific basis.

I. Hardness-dependent acute and chronic aquatic life criteria for metals are calculated using the following equations, excluding aquatic life criteria for copper (Cu) for the Pajarito plateau surface waters in the Rio Grande basin as described in Paragraph (4) of Subsection I of 20.6.4.900 NMAC. The criteria are expressed as a function of hardness (as mg $CaCO_3$/L). With the exception of aluminum, the equations are valid only for hardness concentrations of 0-400 mg/L. For hardness concentrations above 400 mg/L, the criteria for 400 mg/L apply. For aluminum the equations are valid only for hardness concentrations of 0-220 mg/L. For hardness concentrations above 220 mg/L, the aluminum criteria for 220 mg/L apply. Calculated criteria must adhere to the treatment of significant figures and rounding identified in *Standard Methods For The Examination Of Water And Wastewater*, latest edition, American public health association.

(1) Acute aquatic life criteria for metals: The equation to calculate acute criteria in µg/L is $\exp(m_A[\ln(\text{hardness})] + b_A)(CF)$. Except for aluminum, the criteria are based on analysis of dissolved metal. For aluminum, the criteria are based on analysis of total recoverable aluminum in a sample that has a pH between 6.5 and 9.0 and is filtered to minimize mineral phases as specified by the department. The equation parameters are as follows:

Metal	**m_A**	**b_A**	**Conversion factor (CF)**
Aluminum (Al)	1.3695	1.8308	
Cadmium (Cd)	0.9789	-3.866	1.136672-[(ln hardness)(0.041838)]

Chromium (Cr) III	0.8190	3.7256	0.316
Copper (Cu)	0.9422	-1.700	0.960
Lead (Pb)	1.273	-1.460	1.46203-[(ln hardness)(0.145712)]
Manganese (Mn)	0.3331	6.4676	
Nickel (Ni)	0.8460	2.255	0.998
Silver (Ag)	1.72	-6.59	0.85
Zinc (Zn)	0.9094	0.9095	0.978

(2) Chronic aquatic life criteria for metals: The equation to calculate chronic criteria in µg/L is $\exp(m_C[\ln(\text{hardness})] + b_C)(CF)$. Except for aluminum, the criteria are based on analysis of dissolved metal. For aluminum, the criteria are based on analysis of total recoverable aluminum in a sample that has a pH between 6.5 and 9.0 and is filtered to minimize mineral phases as specified by the department. The equation parameters are as follows:

Metal	**m_C**	**b_C**	**Conversion factor (CF)**
Aluminum (Al)	1.3695	0.9161	
Cadmium (Cd)	0.7977	-3.909	1.101672-[(ln hardness)(0.041838)]
Chromium (Cr) III	0.8190	0.6848	0.860
Copper (Cu)	0.8545	-1.702	0.960
Lead (Pb)	1.273	-4.705	1.46203-[(ln hardness)(0.145712)]
Manganese (Mn)	0.3331	5.8743	
Nickel (Ni)	0.8460	0.0584	0.997
Zinc (Zn)	0.9094	0.6235	0.986

(3) Selected values of calculated acute and chronic criteria (µg/L).

Hardness as $CaCO_3$, dissolved (mg/L)		**Al**	**Cd**	**Cr III**	**Cu**	**Pb**	**Mn**	**Ni**	**Ag**	**Zn**
25.0	Acute	512	0.490	183	3.64	13.9	1,880	145	0.30	45.4
	Chronic	205	0.253	23.8	2.74	0.541	1,040	16.1		34.4
30.0	Acute	658	0.581	212	4.32	17.0	2,000	169	0.40	53.5
	Chronic	263	0.290	27.6	3.20	0.664	1,100	18.8		40.5
40.0	Acute	975	0.761	269	5.67	23.5	2,200	216	0.66	69.5
	Chronic	391	0.360	35.0	4.09	0.916	1,220	24.0		52.7
50.0	Acute	1,320	0.938	323	6.99	30.1	2,370	260	0.98	85.2
	Chronic	530	0.426	42.0	4.95	1.17	1,310	28.9		64.5
60.0	Acute	1,700	1.11	375	8.30	36.9	2,520	304	1.3	100
	Chronic	681	0.489	48.8	5.79	1.44	1,390	33.8		76.2
70.0	Acute	2,100	1.28	425	9.60	43.7	2,650	346	1.7	116
	Chronic	841	0.549	55.3	6.60	1.70	1,460	38.5		87.6
80.0	Acute	2,520	1.46	474	10.9	50.6	2,770	388	2.2	131
	Chronic	1,010	0.607	61.7	7.40	1.97	1,530	43.0		98.9
90.0	Acute	2,960	1.62	523	12.2	57.6	2,880	428	2.7	145
	Chronic	1,190	0.664	68.0	8.18	2.24	1,590	47.6		110
100	Acute	3,420	1.79	570	13.4	64.6	2,980	468	3.2	160
	Chronic	1,370	0.718	74.1	8.96	2.52	1,650	52.0		121
200	Acute	8,840	3.43	1,000	25.8	136	3,760	842	10	300
	Chronic	3,540	1.21	131	16.2	5.30	2,080	93.5		228
220	Acute	10,100	3.74	1,090	28.2	151	3,880	912	12	328

Hardness as $CaCO_3$, dissolved (mg/L)		Al	Cd	Cr III	Cu	Pb	Mn	Ni	Ag	Zn
	Chronic	4,030	1.30	141	17.6	5.87	2,140	101		248
300	Acute		5.00	1,400	37.8	208	4,300	1,190	21	434
	Chronic		1.64	182	22.9	8.13	2,380	132		329
400 and above	Acute		6.54	1,770	49.6	281	4,740	1,510	35	564
	Chronic		2.03	231	29.3	10.9	2,620	168		428

(4) Copper criteria for Pajarito plateau surface waters: Pajarito plateau surface waters extend from Guaje canyon in the north to the Rito de los Frijoles watershed in the south, from their headwaters to their confluence with the Rio Grande and all tributaries and streams thereto. The equations used to calculate copper criteria, for purposes of this Part, use dissolved organic carbon (DOC) in units of milligrams carbon per liter (mg C/L); and hardness in units of mg/L as $CaCO_3$. In waters that contain DOC concentrations greater than 29.7 mg/L, a value of 29.7 mg/L shall be used in the following equations. In waters that contain hardness concentrations greater than 207 mg/L, a value of 207 mg/L shall be used in the following equations.

(a) Acute aquatic life criteria: The equation to calculate acute criteria in µg/L is $\exp(-22.914+1.017\times\ln(DOC)+0.045\times\ln(hardness)+5.176\times pH-0.261\times pH^2)$.

(b) Chronic aquatic life criteria: The equation to calculate chronic criteria in µg/L is $\exp(-23.391+1.017\times\ln(DOC)+0.045\times\ln(hardness)+5.176\times pH-0.261\times pH^2)$.

J. Use-specific numeric criteria.

(1) Table of numeric criteria: The following table sets forth the numeric criteria in µg/L, unless otherwise indicated, applicable to existing, designated and attainable uses. For metals, criteria represent the total sample fraction unless otherwise specified in the table. Additional criteria that are not compatible with this table are found in Subsections A through I and K through M of 20.6.4.900 NMAC.

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Aluminum, dissolved	7429-90-5		5,000			750 i	87 i		
Aluminum, total recoverable	7429-90-5					a	a		
Antimony, dissolved	7440-36-0	6						640	P
Arsenic, dissolved	7440-38-2	10	100	200		340	150	9.0	C,P
Asbestos (fibers/L)	1332-21-4	[~~7,000,000 fibers/L~~] 7.0 E06							
Barium, dissolved	7440-39-3	2,000							
Beryllium, dissolved	7440-41-7	4							
Boron, dissolved	7440-42-8		750	5,000					
Cadmium, dissolved	7440-43-9	5	10	50		a	a		
Chloride	1688-70-06					[~~860,000~~] 8.6E05	[~~230,000~~] 2.3E05		
Chlorine residual	7782-50-5				11	19	11		
Chromium III, dissolved	16065-83-1					a	a		
Chromium VI, dissolved	18540-29-9					16	11		
Chromium, dissolved	7440-47-3	100	100	1,000					
Cobalt, dissolved	7440-48-4		50	1,000					
Copper, dissolved	7440-50-8	1300	200	500		a	a		
Cyanide, total recoverable	57-12-5	200			5.2	22.0	5.2	400	
Iron	7439-89-6						1,000		
Lead, dissolved	7439-92-1	[~~15~~] 10	5,000	100		a	a		
Manganese, dissolved	7439-96-5					a	a		
Mercury	7439-97-6	2		10	0.77				P

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Mercury, dissolved	7439-97-6					1.4	0.77		P
Methylmercury (mg/kg-ww-fmt)	22967-92-6							0.3 [~~mg/kg in fish tissue~~]	P
Molybdenum, dissolved	7439-98-7		1,000						
Molybdenum, total recoverable	7439-98-7					7,920	1,895		
Nickel, dissolved	7440-02-0	700				a	a	4,600	P
Nitrate as N (mg/L)		10 [~~mg/L~~]							
Nitrite + Nitrate (mg/L)				132 [~~mg/L~~]					
Selenium, dissolved	7782-49-2	50	b	50			1.5 (lentic), c 3.1 (lotic), c	4,200	P
Selenium, total recoverable	7782-49-2				5.0	[~~20.0~~]	[~~5.0~~]		
Selenium, total recoverable (mg/kg-dw-fwbt)							8.5		
Selenium, total recoverable (mg/kg-dw-fmt)							11.3		
Silver, dissolved	7440-22-4					a			
Thallium, dissolved	7440-28-0	2						0.47	P
Uranium, dissolved	7440-61-1	30							
Vanadium, dissolved	7440-62-2		100	100					P
Zinc, dissolved	7440-66-6	10,500	2,000	25,000		a	a	26,000	P
Adjusted gross alpha (pCi/L)		15 [~~pCi/L~~]		15 [~~pCi/L~~]					
Radium 226 + Radium 228 (pCi/L)		5 [~~pCi/L~~]		30.0 [~~pCi/L~~]					
Strontium 90 (pCi/L)		8 [~~pCi/L~~]							
Tritium (pCi/L)		20,000 [~~pCi/L~~]		20,000 [~~pCi/L~~]					
Acenaphthene	83-32-9	2,100						90	
Acrolein	107-02-8	18				3.0	3.0	400	
Acrylonitrile	107-13-1	0.65						70	C
Aldrin	309-00-2	0.021				3.0		[~~0.0000077~~] 7.7E-06	C,P
Anthracene	120-12-7	10,500						400	
Benzene	71-43-2	5						160	C
Benzidine	92-87-5	0.0015						0.11	C
Benzo(a)anthracene	56-55-3	0.048						0.013	C,P
Benzo(a)pyrene	50-32-8	0.2						0.0013	C,P
Benzo(b)fluoranthene	205-99-2	0.048						0.013	C,P
Benzo(k)fluoranthene	207-08-9	0.048						0.13	C,P
alpha-BHC	319-84-6	0.056						0.0039	C
beta-BHC	319-85-7	0.091						0.14	C
gamma-BHC (Lindane)	58-89-9	0.20				0.95		4.4	
Bis(2-chloroethyl) ether	111-44-4	0.30						22	C
Bis(2-chloro-1-methylethyl) ether	108-60-1	1,400						4,000	
Bis(2-ethylhexyl) phthalate	117-81-7	6						3.7	C

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Bis(chloromethyl) ether	542-88-1							0.17	C
Bromoform	75-25-2	44						1,200	C
Butylbenzyl phthalate	85-68-7	7,000						1	C
Carbaryl	63-25-2					2.1	2.1		
Carbon tetrachloride	56-23-5	5						50	C
Chlordane	57-74-9	2				2.4	0.0043	0.0032	C,P
Chlorobenzene	108-90-7	100						800	
Chlorodibromomethane	124-48-1	4.2						210	C
Chloroform	67-66-3	57						2,000	
Chlorpyrifos	2921-88-2					0.083	0.041		P
2-Chloronaphthalene	91-58-7	2,800						1,000	
2-Chlorophenol	95-57-8	175						800	
Chrysene	218-01-9	0.048						1.3	C,P
Demeton	8065-48-3						0.1		
Diazinon	333-41-5					0.17	0.17		
2,4-Dichlorophenoxyacetic acid (2,4-D)	94-75-7	70						12,000	
Dichlorodiphenyldichloroethane (DDD)	72-54-8							0.0012	C
Dichlorodiphenyldichloroethylene (DDE)	72-55-9							0.00018	C
Dichlorodiphenyltrichloroethane (DDT)	50-29-3							0.0003	C,P
4,4'-DDT and derivatives		1.0			0.001	1.1	0.001		P
Dibenzo(a,h)anthracene	53-70-3	0.048						0.0013	C,P
Dibutyl phthalate	84-74-2	3,500						30	
1,2-Dichlorobenzene	95-50-1	600						3,000	
1,3-Dichlorobenzene	541-73-1	469						10	
1,4-Dichlorobenzene	106-46-7	75						900	
3,3'-Dichlorobenzidine	91-94-1	0.78						1.5	C
Dichlorobromomethane	75-27-4	5.6						270	C
1,2-Dichloroethane	107-06-2	5						6,500	C
1,1-Dichloroethylene	75-35-4	7						20,000	
2,4-Dichlorophenol	120-83-2	105						60	
1,2-Dichloropropane	78-87-5	5.0						310	C
1,3-Dichloropropene	542-75-6	3.5						120	C
Dieldrin	60-57-1	0.022				0.24	0.056	[~~0.000012~~] 1.2E-05	C,P
Diethyl phthalate	84-66-2	28,000						600	
Dimethyl phthalate	131-11-3	[~~350,000~~] 3.5E05						2,000	
2,4-Dimethylphenol	105-67-9	700						3,000	
Dinitrophenols	25550-58-7							1,000	
2,4-Dinitrophenol	51-28-5	70						300	
2,4-Dinitrotoluene	121-14-2	1.1						17	C
Dioxin	1746-01-6	3.0E-05						5.1E-08	C,P
1,2-Diphenylhydrazine	122-66-7	0.44						2.0	C
alpha-Endosulfan	959-98-8	62				0.22	0.056	30	
beta-Endosulfan	33213-65-9	62				0.22	0.056	40	
Endosulfan sulfate	1031-07-8	62						40	

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Endrin	72-20-8	2				0.086	0.036	0.03	P
Endrin aldehyde	7421-93-4	10.5						1	
Ethylbenzene	100-41-4	700						130	
Fluoranthene	206-44-0	1,400						20	P
Fluorene	86-73-7	1,400						70	
Guthion	86-50-0						0.01		
Heptachlor	76-44-8	0.40				0.52	0.0038	[~~0.000059~~] 5.9E-05	C,P
Heptachlor epoxide	1024-57-3	0.20				0.52	0.0038	0.00032	C
Hexachlorobenzene	118-74-1	1						0.00079	C,P
Hexachlorobutadiene	87-68-3	4.5						0.1	C,P
Hexachlorocyclohexane (HCH)-Technical	608-73-1							0.1	C
Hexachlorocyclopen-tadiene	77-47-4	50						4	
Hexachloroethane	67-72-1	25						1	C
Indeno(1,2,3-cd)pyrene	193-39-5	0.048						0.013	C,P
Isophorone	78-59-1	368						18,000	C
Malathion	121-75-5						0.1		
Methoxychlor	72-43-5	40					0.03	0.02	P
Methyl bromide	74-83-9	49						10,000	
3-Methyl-4-chlorophenol	59-50-7							2,000	
2-Methyl-4,6-dinitrophenol	534-52-1	14						30	
Methylene chloride	75-09-2	5						10,000	C
Mirex	2385-85-5						0.001		P
Nitrobenzene	98-95-3	18						600	
Nitrosamines	Various							12.4	C
Nitrosodibutylamine	924-16-3							2.2	C
Nitrosodiethylamine	55-18-5							12.4	C
N-Nitrosodimethylamine	62-75-9	0.0069						30	C
N-Nitrosodi-n-propylamine	621-64-7	0.050						5.1	C
N-Nitrosodiphenylamine	86-30-6	71						60	C
N-Nitrosopyrrolidine	930-55-2							340	C
Nonylphenol	84852-15-3					28	6.6		
Parathion	56-38-2					0.065	0.013		
Pentachlorobenzene	608-93-5							0.1	
Pentachlorophenol	87-86-5	1.0				19	15	0.4	C
Perfluorooctane sulfonate (PFOS)	Various					71	0.25		P
PFOS (mg/kg-ww-iwbt)	Various						0.028		P
PFOS (mg/kg-ww-fwbt)	Various						0.201		P
PFOS (mg/kg-ww-fmt)	Various						0.087		P
Perfluorooctanoic acid (PFOA)	Various					3,100	100		P
PFOA (mg/kg-ww-iwbt)	Various						1.18		P
PFOA (mg/kg-ww-fwbt)	Various						6.49		P
PFOA (mg/kg-ww-fmt)	Various						0.133		P
Phenol	108-95-2	10,500						[~~300,000~~] 3.0E05	
Polychlorinated Biphenyls (PCBs)	1336-36-3	0.50			0.014	2	0.014	0.00064	C,P
Pyrene	129-00-0	1,050						30	
1,2,4,5-Tetrachlorobenzene	95-94-3							0.03	
1,1,2,2-Tetrachloroethane	79-34-5	1.8						30	C

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Tetrachloroethylene	127-18-4	5						290	C,P
Toluene	108-88-3	1,000						520	
Toxaphene	8001-35-2	3				0.73	0.0002	0.0071	C,P
1,2-Trans-dichloroethylene	156-60-5	100						4,000	
Tributyltin (TBT)	Various					0.46	0.072		
1,2,4-Trichlorobenzene	120-82-1	70						0.76	C
1,1,1-Trichloroethane	71-55-6	200						[~~200,000~~] 2.0E05	
1,1,2-Trichloroethane	79-00-5	5						89	C
Trichloroethylene	79-01-6	5						70	C
2,4,5-Trichlorophenol	95-95-4							600	
2,4,6-Trichlorophenol	88-06-2	32						28	C
2-(2,4,5-Trichlorophenoxy) propionic acid (Silvex)	93-72-1	50						400	
Vinyl chloride	75-01-4	2						16	C

(2) Notes applicable to the table of numeric criteria in Paragraph (1) of this subsection.

(a) Where the letter "a" is indicated in a cell, the criterion is based on receiving water characteristics and can be referenced in Subsection I of 20.6.4.900 NMAC.

(b) Where the letter "b" is indicated in a cell, the criterion can be referenced in Subsection C of 20.6.4.900 NMAC.

(c) [~~Criteria are in µg/L unless otherwise indicated.~~] Selenium water column criteria include 30-day mean dissolved selenium concentrations for lentic systems, including lakes and impoundments, and lotic systems, including rivers and streams.

(d) In addition to the definitions for units provided in Subsection A of 20.6.4.7 NMAC, [~~Abbreviations~~] abbreviations in the table are as follows: CAS - chemical abstracts service [~~(see definition for "CAS number" in 20.6.4.7 NMAC)~~]; DWS - domestic water supply; Irr/Irr storage- irrigation and irrigation storage; LW - livestock watering; WH - wildlife habitat; HH-OO - human health-organism only; C – criteria based on cancer-causing endpoint; P - persistent toxic pollutant.

(e) The criteria are based on analysis of an unfiltered sample unless otherwise indicated. The acute and chronic aquatic life criteria for aluminum are based on analysis of total recoverable aluminum in a sample that is filtered to minimize mineral phases as specified by the department.

(f) The criteria listed under human health-organism only (HH-OO) are intended to protect human health when aquatic organisms are consumed from waters containing pollutants. These criteria do not protect the aquatic life itself; rather, they protect the health of humans who ingest fish or other aquatic organisms.

(g) The dioxin criteria apply to the sum of the dioxin toxicity equivalents expressed as 2,3,7,8-TCDD dioxin.

(h) The criteria for polychlorinated biphenyls (PCBs) apply to the sum of all congeners, to the sum of all homologs or to the sum of all aroclors.

(i) The acute and chronic aquatic life criteria for dissolved aluminum only apply when the concurrent pH is less than 6.5 or greater than 9.0 S.U. If the concurrent pH is between 6.5 and 9.0 S.U. then the hardness-dependent total recoverable aluminum criteria in Paragraphs (1) and (2) of Subsection I of 20.6.4.900 NMAC apply.

K. The criteria for total ammonia consider sensitive freshwater mussel species in the family Unionidae, freshwater non-pulmonate snails, and *Oncorhynchus* spp. (a genus of fish in the family Salmonidae), hence further protecting the aquatic community. The total ammonia criteria magnitude is measured as Total Ammonia Nitrogen (TAN) mg/L. TAN is the sum of NH_4^+ and NH_3. TAN mg/L magnitude is derived as a function of pH and temperature (EPA 2013).

L. The acute aquatic life criteria for TAN (mg/L) was derived by the EPA (2013) as the one-hour average concentration of TAN mg/L that shall not be exceeded more than once every three years on average. The EPA acute criterion magnitude was derived using the following equation:

Acute TAN Criterion Magnitude for 1-hour average=

$$\text{MIN}\left(\left(\frac{0.275}{1+10^{7.204-pH}}+\frac{39}{1+10^{pH-7.204}}\right),\ \left(0.7249\text{x}\left(\frac{0.0114}{1+10^{7.204-pH}}+\frac{1.6181}{1+10^{pH-7.204}}\right)\text{x}\left(23.12\times10^{0.036(20-T)}\right)\right)\right)$$

*T (*temperature C) and *pH* are defined as the paired values associated with the TAN sample.

(1) Temperature and pH-dependent values of the acute TAN criterion magnitude -when *Oncorhynchus* spp. absent.

	Temperature (°C)																				
pH	0-10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	51	48	44	41	37	34	32	29	27	25	23	21	19	18	16	15	14	13	12	11	9.9
6.6	49	46	42	39	36	33	30	28	26	24	22	20	18	17	16	14	13	12	11	10	9.5
6.7	46	44	40	37	34	31	29	27	24	22	21	19	18	16	15	14	13	12	11	9.8	9
6.8	44	41	38	35	32	30	27	25	23	21	20	18	17	15	14	13	12	11	10	9.2	8.5
6.9	41	38	35	32	30	28	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9
7.0	38	35	33	30	28	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9	7.3
7.1	34	32	30	27	25	23	21	20	18	17	15	14	13	12	11	10	9.3	8.5	7.9	7.2	6.7
7.2	31	29	27	25	23	21	19	18	16	15	14	13	12	11	9.8	9.1	8.3	7.7	7.1	6.5	6
7.3	27	26	24	22	20	18	17	16	14	13	12	11	10	9.5	8.7	8	7.4	6.8	6.3	5.8	5.3
7.4	24	22	21	19	18	16	15	14	13	12	11	9.8	9	8.3	7.7	7	6.5	6	5.5	5.1	4.7
7.5	21	19	18	17	15	14	13	12	11	10	9.2	8.5	7.8	7.2	6.6	6.1	5.6	5.2	4.8	4.4	4
7.6	18	17	15	14	13	12	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5
7.7	15	14	13	12	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5	3.2	2.9
7.8	13	12	11	10	9.3	8.5	7.9	7.2	6.7	6.1	5.6	5.2	4.8	4.4	4	3.7	3.4	3.2	2.9	2.7	2.5
7.9	11	9.9	9.1	8.4	7.7	7.1	6.6	[~~3~~] 6.0	5.6	5.1	4.7	4.3	4	3.7	3.4	3.1	2.9	2.6	2.4	2.2	2.1
8.0	8.8	8.2	7.6	7	6.4	5.9	5.4	5	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6	2.4	2.2	2	1.9	1.7
8.1	7.2	6.8	6.3	5.8	5.3	4.9	4.5	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4
8.2	6	5.6	5.2	4.8	4.4	4	3.7	3.4	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2
8.3	4.9	4.6	4.3	3.9	3.6	3.3	3.1	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4	1.3	1.2	1.1	1	0.96
8.4	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79
8.5	3.3	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2	1.1	0.98	0.9	0.83	0.77	0.71	0.65
8.6	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.5	1.3	1.2	1.1	1	0.96	0.88	0.81	0.75	0.69	0.63	0.58	0.54
8.7	2.3	2.2	2	1.8	1.7	1.6	1.4	1.3	1.2	1.1	1	0.94	0.87	0.8	0.74	0.68	0.62	0.57	0.53	0.49	0.45
8.8	1.9	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37
8.9	1.6	1.5	1.4	1.3	1.2	1.1	1	0.93	0.85	0.79	0.72	0.67	0.61	0.56	0.52	0.48	0.44	0.4	0.37	0.34	0.32
9.0	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37	0.34	0.32	0.29	0.27

(2) Temperature and pH-dependent values for the acute TAN criterion magnitude- when *Oncorhynchus* spp. are present.

	Temperature (°C)																
pH	0-14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	33	33	32	29	27	25	23	21	19	18	16	15	14	13	12	11	9.9
6.6	31	31	30	28	26	24	22	20	18	17	16	14	13	12	11	10	9.5
6.7	30	30	29	27	24	22	21	19	18	16	15	14	13	12	11	9.8	9
6.8	28	28	27	25	23	21	20	18	17	15	14	13	12	11	10	9.2	8.5
6.9	26	26	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9
7.0	24	24	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	8	7.3
7.1	22	22	21	20	18	17	15	14	13	12	11	10	9.3	8.5	7.9	7.2	6.7

7.2	20	20	19	18	16	15	14	13	12	11	9.8	9.1	8.3	7.7	7.1	6.5	6
7.3	18	18	17	16	14	13	12	11	10	9.5	8.7	8	7.4	6.8	6.3	5.8	5.3
7.4	15	15	15	14	13	12	11	9.8	9	8.3	7.7	7	6.5	6	5.5	5.1	4.7
7.5	13	13	13	12	11	10	9.2	8.5	7.8	7.2	6.6	6.1	5.6	5.2	4.8	4.4	4
7.6	11	11	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5
7.7	9.6	9.6	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5	3.2	3
7.8	8.1	8.1	7.9	7.2	6.7	6.1	5.6	5.2	4.8	4.4	4	3.7	3.4	3.2	2.9	2.7	2.5
7.9	6.8	6.8	6.6	6	5.6	5.1	4.7	4.3	4	3.7	3.4	3.1	2.9	2.6	2.4	2.2	2.1
8.0	5.6	5.6	5.4	5	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6	2.4	2.2	2	1.9	1.7
8.1	4.6	4.6	4.5	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4
8.2	3.8	3.8	3.7	3.5	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2
8.3	3.1	3.1	3.1	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4	1.3	1.2	1.1	1	1
8.4	2.6	2.6	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.9	0.9	0.8
8.5	2.1	2.1	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2	1.1	1	0.9	0.8	0.8	0.7	0.7
8.6	1.8	1.8	1.7	1.6	1.5	1.3	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.6	0.6	0.5
8.7	1.5	1.5	1.4	1.3	1.2	1.1	1	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.5
8.8	1.2	1.2	1.2	1.1	1	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.4	0.4	0.4
8.9	1	1	1	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.4	0.4	0.4	0.3	0.3
9.0	0.88	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.4	0.4	0.4	0.3	0.3	0.3	0.3

M. The chronic aquatic life criteria for TAN (mg/L) was derived by the EPA (2013) as a thirty-day rolling average concentration of TAN mg/L that shall not be exceeded more than once every three years on average. In addition, the highest four-day average within the 30-day averaging period should not be more than 2.5 times the CCC (e.g., 2.5 x 1.9 mg TAN/L at pH 7 and 20°C, or 4.8 mg TAN/L) more than once in three years on average. The EPA chronic criterion magnitude was derived using the following equation:

Chronic TAN Criterion Magnitude for 30-day average=

$$0.8876 \times \left(\frac{0.0278}{1+10^{7.688-pH}} + \frac{1.1994}{1+10^{pH-7.688}}\right) \times \left(2.126 \times 10^{0.028\times(20-MAX(T,7))}\right)$$

*T (*temperature °C) and *pH* are defined as the paired values associated with the TAN sample.

Temperature and pH-Dependent Values of the Chronic TAN Criterion Magnitude.

	Temperature (°C)																							
pH	0-7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	4.9	4.6	4.3	4.1	3.8	3.6	3.3	3.1	2.9	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.6	1.5	1.5	1.4	1.3	1.2	1.1
6.6	4.8	4.5	4.3	4	3.8	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1
6.7	4.8	4.5	4.2	3.9	3.7	3.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1
6.8	4.6	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1
6.9	4.5	4.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1
7.0	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1
7.1	4.2	3.9	3.7	3.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1
7.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	1	0.9
7.3	3.8	3.5	3.3	3.1	2.9	2.7	2.6	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	1	0.9	0.9
7.4	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	1	0.9	0.9	0.8
7.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7
7.6	2.9	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.6	1.5	1.4	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7
7.7	2.6	2.4	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6

7.8	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5
7.9	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5	0.5	0.5
8.0	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.4	0.4	0.4
8.1	1.5	1.5	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4
8.2	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3
8.3	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3
8.4	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2
8.5	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2
8.6	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
8.7	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1
8.8	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1
8.9	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1
9.0	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1

[20.6.4.900 NMAC - Rp 20 NMAC 6.1.3100, 10/12/2010; A, 10/11/2002; A, 5/23/2005; A, 7/17/2005; A, 12/1/2010; A, 3/2/2017; A, 4/23/2022; A, 5/22/2025; A, MM/DD/YYYY]

20.6.4.901 PUBLICATION REFERENCES: These documents are intended as guidance and are available for public review during regular business hours at the offices of the surface water quality bureau. Copies of these documents have also been filed with the New Mexico state records center [~~in order~~] to provide greater access to this information.

A. American public health association. 1992. *Standard Methods for The Examination of Water and Wastewater, 18th Edition.* Washington, D.C. 1048 p.

B. American public health association. 1995. *Standard Methods for The Examination of Water and Wastewater, 19th Edition.* Washington, D.C. 1090 p.

C. American public health association. 1998. *Standard Methods for The Examination of Water and Wastewater, 20th Edition.* Washington, D.C. 1112 p.

D. American public health association. 2018. *Standard Methods for The Examination of Water and Wastewater, 23rd Edition.* Washington, D.C. 1796 p.

E. American public health association. 2023. Standard Methods for The Examination of Water and Wastewater, 24th Edition. Washington, D.C. 1516 p.

[~~**E.**~~]**F.** United States geological survey. 1989. *Methods For Determination of Inorganic Substances In Water And Fluvial Sediments, Techniques of Water-Resource Investigations of The United States Geological Survey.* Washington, D.C. 545 p.

[~~**F.**~~]**G.** United States geological survey. 1987. *Methods For The Determination Of Organic Substances In Water And Fluvial Sediments, Techniques Of Water-Resource Investigations Of The United States Geological Survey.* Washington, D.C. 80 p.

[~~**G.**~~]**H.** United States environmental protection agency. 1983. *Methods For Chemical Analysis Of Water And Wastes.* Office of research and development, Washington, DC. (EPA/600/4-79/020). 491 p.

[~~**H.**~~]**I.** New Mexico water quality control commission. 2020. *State Of New Mexico Water Quality Management Plan and Continuing Planning Process*. Santa Fe, New Mexico. 277 p.

[~~**I.**~~]**J.** Colorado river basin salinity control forum. [~~2020~~]. [~~*2020*~~] *2023 Review, Water Quality Standards For Salinity, Colorado River System.* Phoenix, Arizona. [~~97~~] 112 p.

[~~**J**~~]**K.** United States environmental protection agency. 2002. *Methods For Measuring The Acute Toxicity Of Effluents And Receiving Waters To Freshwater And Marine Organisms.* Office of research and development, Washington, D.C. (5th Ed., EPA 821-R-02-012). 293 p.

[~~**K.**~~]**L.** United States environmental protection agency. 2002. *Short-Term Methods For Estimating The Chronic Toxicity Of Effluents And Receiving Waters To Freshwater Organisms.* Environmental monitoring systems laboratory, Cincinnati, Ohio. (4th Ed., EPA 821-R-02-013). 335 p.

[~~**L.**~~]**M.** United States environmental protection agency. 1991. Ambient-induced mixing, in *Technical Support Document For Water Quality-Based Toxics Control*. Office of water, Washington, D.C. (EPA/505/2-90-001). 335 p.

[~~**M.**~~]**N.** United States environmental protection agency. 1983. *Technical Support Manual: Waterbody Surveys And Assessments For Conducting Use Attainability Analyses, Volume I*:. Office of water, regulations and standards, Washington, D.C. 232 p.

[~~N~~]**O.** United States environmental protection agency. 1984. *Technical Support Manual: Waterbody Surveys And Assessments For Conducting Use Attainability Analyses, Volume III: Lake Systems*. Office of water, regulations and standards, Washington, D.C. 208 p.

[20.6.4.901 NMAC - Rp 20 NMAC 6.1.4000, 10/12/2010; A, 5/23/2005; A, 12/1/2010; A, 3/2/2017; A, 4/23/2022; A, MM/DD/YYYY]

HISTORY of 20.6.4 NMAC:

Pre-NMAC History:

Material in the part was derived from that previously filed with the commission of public records - state records center and archives:

WQC 67-1, Water Quality Standards, filed 7/17/1967, effective 8/18/1967
WQC 67-1, Amendment Nos. 1-6, filed 3/21/1968, effective 4/22/1968
WQC 67-1, Amendment No. 7, filed 2/27/1969, effective 3-30/1969
WQC 67-1, Amendment No. 8, filed 7/14/1969, effective 8/15/1969
WQC 70-1, Water Quality Standards for Intrastate Waters and Tributaries to Interstate Streams, filed July 17, 1970;
WQC 67-1, Amendment Nos. 9 and 10, filed 2/12/1971, effective 3/15/1971
WQC 67-1, Amendment No. 11, filed 3/4/1971, effective 4/5/1971
WQC 73-1, New Mexico Water Quality Standards, filed 9/17/1973, effective 10/23/1973
WQC 73-1, Amendment Nos. 1 and 2, filed 10/3/1975, effective 11/4/1975
WQC 73-1, Amendment No. 3, filed 1/19/1976, effective 2/14/1976
WQC 77-2, Amended Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 2/24/1977, effective 3/11/1977
WQC 77-2, Amendment No. 1, filed 3/23/1978, effective 4/24/1978
WQC 77-2, Amendment No. 2, filed 6/12/1979, effective 7/13/1979
WQCC 80-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 8/28/1980, effective 9/28/1980
WQCC 81-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 5/5/1981, effective 6/4/1981
WQCC 81-1, Amendment No. 1, filed 5/19/1982, effective 6/18/1982
WQCC 81-1, Amendment No. 2, filed 6/24/1982, effective 7/26/1982
WQCC 85-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 1/16/1985, effective 2/15/1985
WQCC 85-1, Amendment No. 1, filed 8/28/1987, effective 9/28/1987
WQCC 88-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 3/24/1988, effective 4/25/1988
WQCC 91-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, filed 5/29/1991, effective 6/29/1991
WQCC 91-1, Amendment No. 1, filed 10/11/1991, effective 11/12/1991

History of the Repealed Material:

WQC 67-1, Water Quality Standards, - Superseded, 10/23/1973
WQC 73-1, New Mexico Water Quality Standards, - Superseded, 3/11/1977
WQC 77-2, Amended Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 9/28/1980
WQCC 80-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 6/4/1981
WQCC 81-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 2/15/1985
WQCC 85-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 4/25/1988
WQCC 88-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 6/29/1991
WQCC 91-1, Water Quality Standards for Interstate and Intrastate Streams in New Mexico, - Superseded, 1/23/1995
20 NMAC 6.1, Standards for Interstate and Intrastate Streams, - Repealed, 2/23/2000
20 NMAC 6.1, Standards for Interstate and Intrastate Surface Waters, - Repealed, 10/12/2000

2026 Triennial Review **Updated** 20.6.4 NMAC – Newly proposed amendments shown below in greenline, with previously proposed amendments in redline. Formatting changes are also presented following Section 900 greenline revisions, to illustrate how they would appear if adopted as proposed.

20.6.4.7 DEFINITIONS: Terms defined in the New Mexico Water Quality Act, but not defined in this part will have the meaning given in the Water Quality Act.

A. Terms beginning with numerals or the letter "A," and abbreviations for units.

(7) "Administrative rulemaking costs" include expenses related to providing a venue, hearing officer, court reporter, transcripts, translation services, interpretation services, and public notice requirements including publication in newspapers and in the New Mexico register in relation to holding a public rulemaking hearing. For petitioners other than the department, these costs do not include publishing in the New Mexico register, posting information to state websites, securing a venue, hiring a hearing officer, or filing adopted rules.

C. Terms beginning with the letter "C".

(9) "Criteria" are elements of state water quality standards, expressed as constituent concentrations, levels or narrative statements, representing a quality of a [~~water~~] waterbody that supports a use. When criteria are met, water quality will protect the designated use.

E. Terms beginning with the letter "E"

(3) "Ephemeral" when used to describe a surface water of the state means the [~~water body~~] waterbody contains water briefly only in direct response to precipitation; its bed is always above the water table of the adjacent region.

I. Terms beginning with the letter "I".

(2) "Intermittent" when used to describe a surface water of the state means the [~~water body~~] waterbody contains water for extended periods only at certain times of the year, such as when it receives seasonal flow from springs or melting snow.

P. Terms beginning with the letter "P".

(2) "Perennial" when used to describe a surface water of the state means the [~~water body~~] waterbody typically contains water throughout the year and rarely experiences dry periods.

20.6.4.8 ANTIDEGRADATION POLICY AND IMPLEMENTATION PLAN:

A. Antidegradation Policy: This antidegradation policy applies to all surface waters of the state.

(2) Where wetland condition or the quality of a surface water of the state exceeds levels necessary to support the propagation of fish, shellfish, and wildlife, and recreation in and on the water, that quality shall be maintained and protected unless the commission finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the state's continuing planning process, that allowing lower water quality or wetland condition, including loss of wetland acreage or wetland functions, is necessary to accommodate important economic and social development in the area in which the water is located. In allowing such degradation or lower water quality, the state shall assure water quality adequate to protect existing uses fully. Further, the state shall [~~assure that there shall be achieved~~]ensure the highest statutory and regulatory requirements for all new and existing point sources and implementation of all cost-effective and reasonable best management practices (BMPs) for nonpoint source control. Additionally, the state shall encourage the use of watershed planning as a further means to protect surface waters of the state.

(3) No degradation, including loss of wetland acreage or wetland functions, shall be allowed in waters designated by the commission as outstanding national resource waters (ONRWs), except as provided in Subparagraphs (a) through (e) of this paragraph and in Paragraph (4) of [~~this~~] Subsection A of 20.6.4.8 NMAC.

(a) After providing a minimum 30-day public review and comment period, the commission determines that allowing temporary and short-term degradation of water quality is necessary to accommodate public health or safety activities in the area in which the ONRW is located. Examples of public health or safety activities include but are not limited to replacement or repair of a water or sewer pipeline or a roadway bridge. In making its decision, the commission shall consider whether the activity will interfere with activities

implemented to restore or maintain the chemical, physical or biological integrity of the water. In approving the activity, the commission shall require that:

(ii) the degradation shall be minimized and controlled by [~~best management practices~~]BMPs or in accordance with permit requirements as appropriate; all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized;

(d) Preexisting land-use activities, including grazing, allowed by federal or state law prior to designation as an ONRW, and controlled by [~~best management practices (~~]BMPs[~~)~~], shall be allowed to continue so long as there are no new or increased discharges resulting from the activity after designation of the ONRW.

(4) This antidegradation policy does not prohibit activities that may result in degradation in surface waters of the state when such activities will result in restoration or maintenance of the chemical, physical or biological integrity of the water.

(a) For ONRWs, the department or appropriate oversight agency shall review on a case-by-case basis discharges that may result in degradation from restoration or maintenance activities, and may approve such activities in accordance with the following:

(i) the degradation shall be limited to the shortest possible time;

(ii) the degradation shall be minimized and controlled by [~~best management practices~~]BMPs or in accordance with permit requirements as appropriate, and all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized;

(iii) the degradation shall not result in water quality lower than necessary to protect any existing use of the surface water; and

(iv) the degradation shall not alter the essential character or special use that makes the water an ONRW.

(b) For surface waters of the state other than ONRWs, the department shall review on a case-by-case basis discharges that may result in degradation from restoration or maintenance activities, and may approve such activities in accordance with the following:

(i) the degradation shall be limited to the shortest possible time;

(ii) the degradation shall be minimized and controlled by [~~best management practices~~]BMPs or in accordance with permit requirements as appropriate, and all practical means of minimizing the duration, magnitude, frequency and cumulative effects of such degradation shall be utilized; and

B. Implementation Plan: The department, acting under authority delegated by the commission, implements the water quality standards, including the antidegradation policy, by describing specific methods and procedures in the continuing planning process and by establishing and maintaining controls on the discharge of pollutants to surface waters of the state. The steps summarized in the following paragraphs, which may not all be applicable in every water pollution control action, list the implementation activities of the department. These implementation activities are supplemented by detailed antidegradation review procedures developed under the state's continuing planning process. The department:

(13) encourages, in conjunction with other state agencies, implementation of the [~~best management practices~~]BMPs set forth in the New Mexico statewide water quality management plan and the nonpoint source management program, such implementation shall not be mandatory except as provided by federal or state law;

(14) evaluates the effectiveness of BMPs selected to prevent, reduce or abate sources of water pollutants;

(15) develops procedures for assessing use attainment as required by 20.6.4.15 NMAC and establishing site-specific standards;[~~ and~~]

(16) develops list of surface waters of the state not attaining designated uses, pursuant to Sections 305(b) and 303(d) of the federal Clean Water Act[~~.~~]; and

(17) develops list of ONRWs where impairment has been documented and potential sources of impairment.

20.6.4.10 REVIEW OF STANDARDS; NEED FOR ADDITIONAL STUDIES:

[~~F~~]G. Site-specific criteria.

(3) Any person may submit notice to the department stating their intent to develop site-specific criteria for a surface water of the state. The notice shall include a work plan supporting the development of site-specific criteria for the department's [~~review and~~] comment.

(4) Site-specific criteria shall be developed in accordance with the [~~reviewed~~] work plan, based on one or more of the site-specific conditions in Paragraph (1) of Subsection G of 20.6.4.10 NMAC, derived from a scientifically defensible method and protect the designated uses to which they apply.

(6) Upon completion of site-specific criteria development, the data, findings and conclusions shall be submitted to the department, and public notice shall be provided in accordance with the [~~approved~~] work plan.

[~~(4)~~](8) A derivation of site-specific criteria shall rely on a scientifically defensible method, such as one of the following:

(e) a determination of the natural background of the [~~water body~~] waterbody as described in Subsection G of 20.6.4.10 NMAC.

[~~H~~]**I. Temporary standards.**

(1) Any person may petition the commission to adopt a temporary standard applicable to all or part of a surface water of the state as provided for in this section and applicable sections in 40 CFR Part 131, Water Quality Standards; specifically, Section 131.14. The commission may adopt a proposed temporary standard if the petitioner demonstrates that:

(a) attainment of the associated designated use may not be feasible in the short term due to one or more of the factors listed in 40 CFR 131.10(g), or due to the implementation of actions necessary to facilitate restoration such as through dam removal or other significant wetland or [~~water body~~] waterbody reconfiguration activities as demonstrated by the petition and supporting work plan requirements in Paragraphs (4) and (5) of Subsection [~~H~~]I of 20.6.4.10 NMAC;

(2) A temporary standard shall apply to specific designated use(s), pollutant(s), or permittee(s), and to specific [~~water body~~] waterbody segment(s). The adoption of a temporary standard does not exempt dischargers from complying with all other applicable water quality standards or control technologies.

(4) A petition for a temporary standard shall:

(a) identify the currently applicable standard(s), the proposed temporary standard for the specific pollutant(s), the permittee(s), and the specific surface [~~water body~~] waterbody segment(s) of the state to which the temporary standard would apply;

20.6.4.15 USE ATTAINABILITY ANALYSIS:

D. Process to amend a designated use through a use attainability analysis.

(2) If the findings of a use attainability analysis, conducted by the department, in accordance with the department's *Hydrology Protocol* (latest edition) demonstrates that federal Clean Water Act Section 101(a)(2) uses, that are not existing uses, are not feasible in an ephemeral [~~water body~~] waterbody due to the factor in 40 CFR 131.10(g)(2), the department may consider proceeding with the expedited use attainability analysis process in accordance with the State's current *Water Quality Management Plan/Continuing Planning Process*. The following elements must be met for the expedited use attainability analysis process to be authorized and implemented:

(a) The department is the primary investigator of the use attainability analysis;

(b) The use attainability analysis determined, through the application of the *Hydrology Protocol*, that the [~~water~~] waterbody being investigated is ephemeral and has no effluent discharges of sufficient volume that could compensate for the low-flow;

(c) The use attainability analysis determined that the criteria associated with the existing uses of the [~~water~~] waterbody being investigated are not more stringent than those in 20.6.4.97 NMAC;

(d) The designated uses in 20.6.4.97 NMAC have been determined to be the highest attainable uses for the [~~water~~] waterbody being analyzed;

(e) The department posted the use attainability analysis on its water quality standards website and notified its interested parties list of a 30-day public comment period;

(f) The department reviewed and responded to any comments received during the 30-day public comment period ; and

(g) The department submitted the use attainability analysis and response to comments to [~~region 6~~] EPA for technical [~~approval~~] review.

20.6.4.900 CRITERIA APPLICABLE TO EXISTING, DESIGNATED OR ATTAINABLE USES UNLESS OTHERWISE SPECIFIED IN 20.6.4.97 THROUGH 20.6.4.899 NMAC:

D. Primary contact: The following criteria apply to this use:

(1) [~~The monthly geometric mean of~~]E. coli bacteria (monthly geometric mean) [~~of~~] 126 cfu/100 mL or MPN/100 ml[~~,~~].

(2) [~~a single sample of~~]E. coli bacteria (single sample) [~~of~~] 410 cfu/100 mL or MPN/100 mL[~~,~~].

(3) [~~a single sample of~~]total microcystins[~~of~~] 8 µg/L[~~ with no more than three exceedances within a 12-month period~~][~~ and~~].

(4) [~~a single sample of~~]cylindrospermopsin[~~of~~] 15 µg/L[~~ with no more than three exceedances within a 12-month period~~][~~, and~~].

(5) pH [~~within the range of~~] 6.6 to 9.0[~~ apply to this use~~].[~~ The results for E. coli may be reported as either colony forming units (CFU) or the most probable number (MPN) depending on the analytical method used.~~]

E. Secondary contact: The following criteria apply to this use:

(1) [~~The monthly geometric mean of~~]E. coli bacteria (monthly geometric mean)[~~ of~~] 548 cfu/100 mL or MPN/100 mL[~~ and~~].

(2) [~~single sample of~~]E. coli bacteria (single sample) 2507 cfu/100 mL or MPN/100 mL[~~ apply to this use~~].[~~ The results for E. coli may be reported as either colony forming units (CFU) or the most probable number (MPN), depending on the analytical method used.~~]

H. Aquatic life: Surface waters of the state with a designated, existing or attainable use of aquatic life shall be free from any substances at concentrations that can impair the community of plants and animals in or the ecological integrity of surface waters of the state. Except as provided in Paragraph (7) of this subsection, the acute and chronic aquatic life criteria set out in Subsections I, J, K and L of this section and the human health-organism only criteria set out in Subsection J of this section are applicable to all aquatic life use subcategories. In addition, the specific criteria for aquatic life subcategories in the following paragraphs apply to surface waters classified under the respective designations.

(1) High quality coldwater: Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 4T3 temperature applies.

(a)	dissolved oxygen	6.0 mg/L or more.
(b)	4T3 temperature	20°C (68°F)[~~,~~].
(c)	maximum temperature	23°C (73°F)[~~,~~].
(d)	pH [~~within the range of~~]	6.6 to 8.8. [~~and~~]
(e)	specific conductance [~~a segment-specific limit between~~]	

300 µS/cm and 1,500 µS/cm. This specific conductance criterion is a segment-specific range depending on the natural background in the particular surface water of the state [~~(the intent of this criterion is~~] intended to prevent excessive increases in dissolved solids which would result in changes in community structure[~~)~~]. [~~Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 4T3 temperature applies.~~]

(2) Coldwater: Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.

(a)	dissolved oxygen	6.0 mg/L or more[~~,~~].
(b)	6T3 temperature	20°C (68°F)[~~,~~].
(c)	maximum temperature	24°C (75°F) [~~and~~].

(d) pH [~~within the range of~~] 6.6 to 8.8. [~~Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.~~]

(3) Marginal coldwater: Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.

(a) dissolved oxygen 6 mg/L or more[~~,~~].
(b) 6T3 temperature 25°C (77°F)[~~,~~].
(c) maximum temperature 29°C (84°F) [~~and~~].
(d) pH [~~within the range from~~] 6.6 to 9.0. [~~Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.~~]

(4) Coolwater: Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(a) dissolved oxygen 5.0 mg/L or more[~~,~~].
(b) maximum temperature 29°C (84°F) [~~and~~].
(c) pH [~~within the range of~~] 6.6 to 9.0.

(5) Warmwater: Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(a) dissolved oxygen 5 mg/L or more[~~,~~].
(b) maximum temperature 32.2°C (90°F) [~~and~~].
(c) pH [~~within the range of~~] 6.6 to 9.0. [~~Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.~~]

(6) Marginal warmwater: Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(a) dissolved oxygen 5 mg/L or more[~~,~~].
(b) pH [~~within the range of~~] 6.6 to 9.0 [~~and~~].
(c) maximum temperature[~~s~~] [~~that~~] may [~~routinely~~] exceed 32.2°C (90°F). [~~Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.~~]

(7) Limited aquatic life: pH within the range of 6.0 to 9.0. The acute aquatic life criteria of Subsections I and J of this section apply to this subcategory. Chronic aquatic life criteria do not apply unless adopted on a segment-specific basis. Human health-organism only criteria apply only for persistent toxic pollutants unless adopted on a segment-specific basis.

If adopted, the proposed amendments would result in an integrated rule with Subsection D, E, and H of Section 900 formatted as follows:

D. Primary contact: The following criteria apply to this use:

(1) E. coli bacteria (monthly geometric mean) 126 cfu/100 mL or MPN/100 ml.
(2) E. coli bacteria (single sample) 410 cfu/100 mL or MPN/100 mL.
(3) total microcystins 8 µg/L.
(4) cylindrospermopsin 15 µg/L.
(5) pH 6.6 to 9.0.

E. Secondary contact: The following criteria apply to this use:

(1) E. coli bacteria (monthly geometric mean) 548 cfu/100 mL or MPN/100 mL.
(2) E. coli bacteria (single sample) 2507 cfu/100 mL or MPN/100 mL.

H. Aquatic life: Surface waters of the state with a designated, existing or attainable use of aquatic life shall be free from any substances at concentrations that can impair the community of plants and animals in or the ecological integrity of surface waters of the state. Except as provided in Paragraph (7) of this subsection, the acute and chronic aquatic life criteria set out in Subsections I, J, K and L of this section and the human health-organism only criteria set out in Subsection J of this section are applicable to all aquatic life use subcategories. In addition, the specific criteria for aquatic life subcategories in the following paragraphs apply to surface waters classified under the respective designations.

(1) High quality coldwater: Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 4T3 temperature applies.

(a)	dissolved oxygen	6.0 mg/L or more.
(b)	4T3 temperature	20°C (68°F).
(c)	maximum temperature	23°C (73°F).
(d)	pH	6.6 to 8.8.

(e) specific conductance 300 µS/cm and 1,500 µS/cm. This specific conductance criterion is a segment-specific range depending on the natural background in the particular surface water of the state intended to prevent excessive increases in dissolved solids which would result in changes in community structure.

(2) Coldwater: Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.

(a)	dissolved oxygen	6.0 mg/L or more.
(b)	6T3 temperature	20°C (68°F).
(c)	maximum temperature	24°C (75°F).
(d)	pH	6.6 to 8.8.

(3) Marginal coldwater: Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.

(a)	dissolved oxygen	6 mg/L or more.
(b)	6T3 temperature	25°C (77°F).
(c)	maximum temperature	29°C (84°F).
(d)	pH	6.6 to 9.0.

(4) Coolwater: Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(a)	dissolved oxygen	5.0 mg/L or more.
(b)	maximum temperature	29°C (84°F).
(c)	pH	6.6 to 9.0.

(5) Warmwater: Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(a)	dissolved oxygen	5 mg/L or more.
(b)	maximum temperature	32.2°C (90°F).
(c)	pH	6.6 to 9.0.

(6) Marginal warmwater: Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(a)	dissolved oxygen	5 mg/L or more.
(b)	pH	6.6 to 9.0.
(c)	maximum temperature	may exceed 32.2°C (90°F).

(7) Limited aquatic life: pH within the range of 6.0 to 9.0. The acute aquatic life criteria of Subsections I and J of this section apply to this subcategory. Chronic aquatic life criteria do not apply unless adopted on a segment-specific basis. Human health-organism only criteria apply only for persistent toxic pollutants unless adopted on a segment-specific basis.