Proposed Changes to NMAC Drinking Water Regulations

Title 20 Environmental Protection Chapter 7 Wastewater and Water Supply Facilities Part 10 Drinking Water

NMED to petition the EIB to modify NMAC 20.7.10.

The New Mexico Environment Department (NMED) will petition the Environmental Improvement Board (EIB) to make minor, as well as substantiative changes to the New Mexico Administrative Code (NMAC), to address known concerns regarding system operations, emergency response, and inconsistent compliance, especially in small and rural systems. These updates are also intended to modernize the rules, clarify expectations, and make the requirements easier to enforce.

Summary of Proposed Changes

- Addition of 35 and modification to 11 definitions
- Minor editorial changes
- Updates to applications, variances, and regionalization:
  - **Applications (NMAC 20.7.10.201):** PWSs will transition to electronic submissions, including disinfection plans for post-construction implementations, an additional application for inactivation of pathogens when updating disinfection, and identifying the required level of operator certification.
  - **Variances (NMAC 20.7.10.105):** Prior to project engineering application submittal, a PWS can apply for a variance to use alternative methods to meet regulatory requirements of the water system project. Upon approval, the water system is required to notify all users of the variance, the need for the variance and steps that the system will take to protect water quality.
  - **Regionalization (NMAC 20.7.10.201):** If an existing PWS plans to merge with another existing PWS, and the merger results in a regional water system authority, the process will be governed by the Regional Water System Resilience Act. A proposal for a new PWS system, or for converting an existing one, must identify the nearest operational PWS and justify why it cannot connect to the existing system. Additionally, a connection to a nearby active water system, as determined by the department, must be established unless a variance is granted.
- Substantive changes proposed to sections listed below.

Construction and Engineering Standards

Updated to reflect current engineering best practices. Modifications will require:

- All wells have a downturned blowoff line above flood level.
- All system facilities secured behind locked fencing.
- System pressure maintained between 20 psi and 100 psi.
- Updated well and well head protection requirements.
- New storage tank inspection, overflow pipe and sampling requirements.
- Additional conditions that require boil water advisories.
- Non-threaded raw water sampling taps.
- Maintaining customer complaint records.
- Flushing, disinfection, and sampling records must be maintained for at least 5 years.
- Post-construction or replacement asset disinfection must comply with AWWA standards.
- Notice of project completion and request of NMED approval prior to using new or modified facilities.
- Wells and treatment plants must be equipped with flow meters to provide water production data, production yield from wells, and to help monitor flow rate through specific treatment processes.
- Flow metering devices at active residential, commercial, and industrial service connections for accumulation of water usage data.

NMAC Sections

20.7.10.105 Variances
20.7.10.200 Public Water System Projects
20.7.10.201 Applications for Public Water System Project Approval
20.7.10.400 General Operating Requirements

Emergency Water Hauling

Will ensure any emergency hauling is safe, pre-approved, and does not bypass basic safeguards by:

- Adding a section outlining emergency water haulers compliance requirements.
- Requiring water obtained from an unchlorinated source must be chlorinated to a free chlorine residual of at least 1.0 mg/L during transport.

NMAC Sections

20.7.10.203 Temporary or Emergency Water Hauler Activities
20.7.10.401 General Operating Requirements for Water Haulers

Day-to-Day Operations

Defines new baseline requirements with clear expectations for how systems must operate daily. Modifications will require:

- Systems' facilities and equipment, as well as grounds, be well maintained to avoid contamination from disease vectors and ensure uninterrupted operations.
- Treatment systems, including chemical feed equipment, be monitored and recorded daily by certified operators.
- Internal procedures for immediate NMED notification of events that may negatively impact the production or delivery of safe and adequate drinking water be maintained.

NMAC Sections

20.7.10.400 General Operating Requirements

Operator Responsibilities

Certified operators must actively run the system, this requires legal agreements between wholesale and consecutive systems, ensuring both parties are clear on responsibilities, water quality, and supply terms.

- Requires prior guidance and approval of a certified water works operator to allow for new or repaired production, treatment, storage, pressure maintenance, or distribution facilities to be placed into service.
- Operators shall maintain monthly operating reports following the minimum set documentation requirements (e.g., what to record and how long to maintain the records).

NMAC Sections

20.7.10.400 General Operating Requirements

Groundwater System Disinfection

This proposed modification closes a major gap in protecting against microbial risks. Modifications will require:

- A residual of at least 0.2 mg/L free chlorine throughout the distribution system.
- Maintaining disinfectant residuals at or above 0.2 mg/L by flushing dead-end mains.
- Disinfectant residual must be measured in the distribution system weekly and reported to NMED at least monthly.
- Properly labeled chemical day tank, to minimize the possibility of overfeeding, which also must have a level indicator and secondary spill containment.
- Modifications apply to Public Water Systems serving populations of:
  - 3,301+, effective January 1st, the year after adoption
  - 501-3300, effective January 1st, 3 years after adoption
  - 101-500, effective January 1st, 5 years after adoption
  - 25-100, effective January 1st, 7 years after adoption

NMAC Sections

20.7.10.200 System Projects
20.7.10.400 General Operating Requirements

Schedule of Rulemaking Process

Planning and outreach activities leading to the proposed changes hearing date:



Questions? Reach out to the DWB:

Web: https://www.env.nm.gov/drinking_water/ Email: drinking.water@env.nm.gov