

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

**IN THE MATTER OF FINAL TOTAL
MAXIMUM DAILY LOAD FOR THE
SAN JUAN AND ANIMAS RIVER WATERSHEDS**

No. WQCC 26-51

ORDER

THIS MATTER came before the New Mexico Water Quality Control Commission (Commission) for approval at its regularly scheduled public meeting on August 11, 2026, on the Petition for Approval of the *Final Total Maximum Daily Loads for the San Juan and Animas River Watershed and the San Juan and Animas River Watersheds* (Petition) of the Surface Water Quality Bureau (Bureau) of the New Mexico Environment Department (Department) filed on June 17, 2026. Brecken Scott appeared at the public meeting as legal counsel for the Department.

The Commission, after due consideration of the proposed Final Total Maximum Daily Load (TMDL) for the San Juan and Animas River Watersheds, together with the Department's presentation at the hearing, and being otherwise duly advised in the premises, finds:

1. TMDLs are defined under federal regulation as the sum of individual Waste Load Allocations for point sources, Load Allocations for nonpoint source and background conditions, and a Margin of Safety in acknowledgement of various sources of uncertainty in the analysis.

2. Section 303(d) of the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. §§ 1251 et seq., requires states to develop TMDLs for each impaired waterbody and the pollutant for which that waterbody is impaired. 33 U.S.C. § 1313(d).

3. The Commission is "the state water pollution control agency for this state for all purposes of the federal [Clean Water Act]." NMSA 1978, § 74-6-3(E). "'State water pollution control agency' means the State agency designated by the Governor having responsibility for enforcing

State laws relating to the abatement of pollution.” 33 U.S.C. § 1362(1). The Commission is not required by the federal Clean Water Act or the NM Water Quality Act to approve TMDLs.

4. The federal Clean Water Act and the New Mexico Water Quality Act require the state to develop a WQMP-CPP and for the Commission to adopt that WQMP-CPP, which is subsequently approved by the Environmental Protection Agency (EPA) and contains EPA-approved TMDLs. 33 U.S.C. § 1313(e); 40 C.F.R. § 130.6(b); NMSA 1978, § 74-6-4(B).

5. The process for developing TMDLs is specified in Section IV of the WQMP-CPP, as approved by the Commission on September 21, 2020, pursuant to NMSA 1978, § 74-6-4(B) and available at <https://www.env.nm.gov/surface-water-quality/wqmp-cpp/>. 40 C.F.R. § 130.5(b)(3).

6. Section IV of the WQMP-CPP requires that the final draft TMDL be presented at a WQCC meeting for approval, and that WQCC comments be incorporated into the TMDL as necessary.

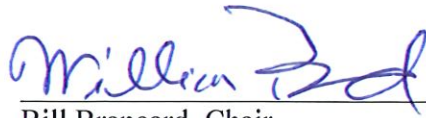
7. Section 303(d)(2) of the Clean Water Act requires states to submit the final TMDLs to the EPA for approval. 33 U.S.C. § 1313(d)(2). Once approved by EPA, TMDLs become components of a state’s WQMP-CPP. 40 C.F.R. § 130.6(c)(1).

8. The Bureau properly followed the TMDL development process for the San Juan and Animas River Watersheds as specified in Section IV of the WQMP-CPP, and correctly calculated the TMDL for the San Juan and Animas River Watersheds under applicable federal law and regulation.

IT IS THEREFORE ORDERED:

The Final TMDL for the San Juan and Animas River Watersheds, a copy of which is attached to and made a part of this Order, is approved for submittal to EPA for final approval under 33 U.S.C. § 1313(d)(2) and incorporation into the New Mexico State WQMP-CPP.

Dated this 11th day of August 2026.



Bill Brancard, Chair
Water Quality Control Commission