

New Mexico Environment Department Drinking Water Bureau

Water Conservation Fund Annual Report for Fiscal Year 2025



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Executive Summary

The *Water Conservation Fund (WCF) Report* summarizes State fiscal year (FY) 2025 expenditures and accomplishments delivered by the New Mexico Environment Department (NMED) Drinking Water Bureau (DWB). Established by legislation in 1993, the WCF charges the operator of a public water system (PWS) a fee of \$0.03 per thousand gallons of drinking water produced. The Taxation and Revenue Department (TRD) manages fee collection and deposits those fees into the WCF. NMED DWB administers expenditures from the WCF and provides sampling and laboratory analytical services to PWSs. These funds are utilized for Safe Drinking Water Act (SDWA) compliance sampling and reporting requirements for approximately 1,050 PWSs in New Mexico. The WCF ensures critical drinking water sampling is conducted in accordance with regulatory requirements, ensures water provided to New Mexicans by regulated public water systems is tested on a regular schedule, and ensures that New Mexico's drinking water is compliant with state and federal regulations.

In FY 2025 there was an overall expenditure from the WCF in the amount of \$2,169,325.96. The majority of FY 2025 expenditures provided a direct benefit to the PWSs by relieving them of entry point sampling costs and laboratory analytical costs. During FY 2025, 97.5% of expenses to the WCF were spent on laboratory analytical services, and 2.5% was spent on "other costs" such as rent, vehicles, supplies and equipment needed for implementation of the sampling program. These expenditures reflect that \$2,116,037.95, or 97.5%, of the WCF funds used in FY 2025 directly benefited public water systems through sampling and analytical services.

Approximately 67,247 monitoring results were reported to the DWB in FY 2025, with approximately 34,484 samples being paid for by the WCF. NMED houses all sampling data in the Safe Drinking Water Information System (SDWIS) database, which is the primary means of communicating sampling and compliance data to the United States Environmental Protection Agency (EPA).

In FY 2025, NMED covered all required sampling costs through the Water Conservation Fund (WCF). The Bureau remains focused on maintaining the long-term solvency of this critical fund by identifying ways to strengthen revenues and manage rising costs. Over the next three to five years, total expenditures from the WCF are expected to increase by roughly 10 to 15 percent, driven by inflation in laboratory services, analytical supplies, and shipping, as well as the implementation of new federal monitoring requirements.

While many of these new rules, such as the Lead and Copper Rule Improvements (LCRI) and the regulations addressing per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants, have already been finalized, the full financial impact on the WCF will not be known until they are fully implemented. These regulations are expected to significantly expand the number and frequency of required samples, increasing overall laboratory workload and costs for public water systems across New Mexico.

As these monitoring requirements take effect, NMED will continue to evaluate actual sampling volumes, laboratory pricing, and other cost drivers to refine expenditure projections and ensure the WCF remains financially sustainable in meeting its statewide obligations.

Introduction

The Water Conservation Fund (WCF) was established by the State of New Mexico in 1993 (amended in 2013) to support the implementation and enforcement of drinking water quality standards. The fund is administered by the NMED's Drinking Water Bureau (DWB) under statutory authority Section 74-1-13 NMSA 1978 and corresponding regulations (3.29.13 NMAC).

Funding Mechanism

- Fee: \$0.03 per 1,000 gallons of water produced
- Applicability: All public water systems (PWSs), excluding tribal and federally owned systems
- Use of Funds: Supports compliance with the federal Safe Drinking Water Act (SDWA) and New Mexico Drinking Water Regulations, primarily through drinking water sampling and analysis. Under state statute, money in the Water Conservation Fund is appropriated to NMED to test public water supplies for contaminants required under the SDWA, conduct vulnerability assessments to evaluate each system's susceptibility to contamination, and implement new requirements under the Utility Operators Certification Act, including training for certified operators.

Sampling Framework

- Entry Point Sampling: Conducted by DWB's WCF Sampling Team
- Distribution System Sampling: Conducted by certified PWS personnel
- Analysis: All samples processed by certified laboratories, with results reported to DWB and the PWS

Annual Contaminant Selection Process

In 2021, DWB finalized a formal process to annually determine which contaminants will be covered by WCF resources. The selection is based on:

1. Availability of WCF funding
2. Needs of PWSs
3. Public health priorities

Each October, a proposed list of funded contaminants is distributed to stakeholders including the New Mexico Municipal League. If service reductions are proposed, a 30-day public comment period is initiated. The final list is published by October 31 and becomes effective January 1 of the following year.

To meet statutory obligations and strengthen program transparency and accountability, DWB plans to formalize this process through rulemaking before the Environmental Improvement Board, pending staffing and resource availability.

1.0 WCF Financial Overview for State Fiscal Year 2025

The following is an overview of revenue and expenditures for the WCF during FY 2025.

1.1 Revenues

Revenues for FY 2025 are summarized in Table 1.1.1. The fund balance is calculated at the end of each fiscal year. Any unspent funds are returned to the WCF and applied to the balance of the fund. At the start of FY 2025 the WCF balance was \$4,831,591.66.

From FY 2015 through FY 2020, Water Conservation Fund revenues remained relatively consistent, averaging just over \$2.16 million annually. A significant increase occurred in FY 2021, when revenues rose to nearly \$2.97 million. That increase followed a DWB-led effort with the New Mexico Taxation and Revenue Department to verify that all public water systems were properly remitting the required water conservation fees. As a result of that collaboration, revenue collections became more accurate and comprehensive, leading to the higher and more stable revenue levels observed since FY 2021. Annual revenues have since fluctuated modestly but remained above pre-2021 levels.

In FY 2025, revenues totaled approximately \$2.9 million, among the highest levels in the past decade. Although annual revenues have remained relatively stable, they have not kept pace with rising laboratory and regulatory costs. The current fee structure limits the fund's ability to generate the revenue needed to meet future obligations without continued reliance on supplemental funding. Despite these constraints, prudent fund management and cost-control measures have allowed DWB to grow the overall fund balance to approximately \$5.8 million, providing short-term stability while longer-term funding strategies need to be evaluated.

In addition to the revenues received through water production and usage at PWSs, the WCF at times collects revenues that are received through Administrative Compliance Orders (ACO) issued to public water systems. An ACO and any associated penalties are issued when a PWS does not comply with regulatory requirements.

Table 1.1.1

Fiscal Year 2025 WCF Revenue	
Month	WCF Payment
July 2024	\$214,648.51
August	\$391,640.20
September	\$154,045.12
October	\$235,921.84
November	\$172,622.05
December	\$166,566.19
January 2025	\$161,139.24
February	\$257,002.65
March	\$121,363.85
April	\$225,916.46
May	\$357,347.25
June	\$183,905.78
TOTAL Revenue	\$2,642,119.14

Table 1.1.2

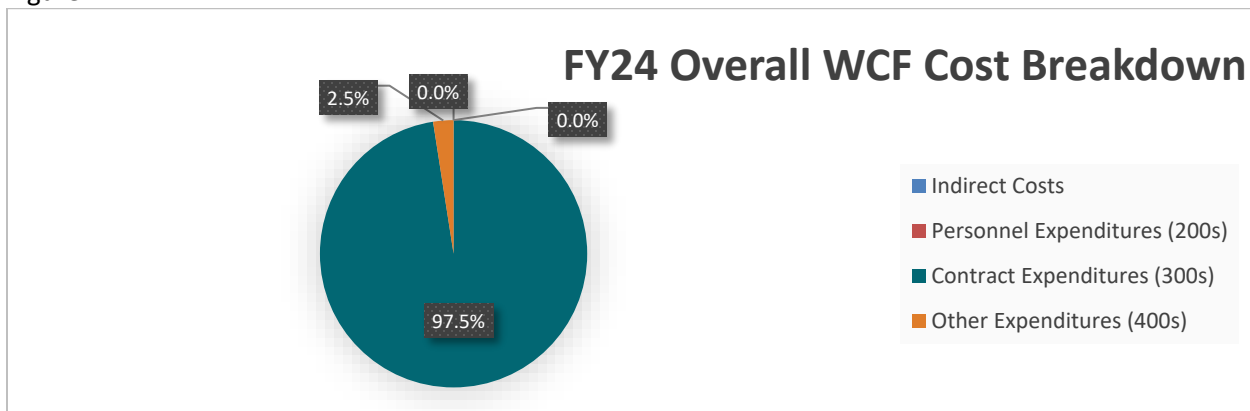
Fiscal Year 2025 WCF Additional Revenue	
Month	WCF Payment
July 2024	\$0.00
August	\$0.00
September	\$0.00
October	\$0.00
November	\$0.00
December	\$0.00
January 2025	\$0.00
February	\$0.00
March	\$0.00
April	\$0.00
May	\$273,600
June	\$0.00
TOTAL Revenues	\$273,600

1.2 Expenditures

During FY 2025, 97.5 percent of Water Conservation Fund (WCF) expenditures were used to directly benefit public water systems through sampling and analytical services. Expenditures for the year are summarized in Figure 1.2, which presents costs across four primary categories. Personnel expenditures and indirect costs are not included in this chart because NMED was able to fund all WCF staff salaries through general fund and legislative special appropriations.

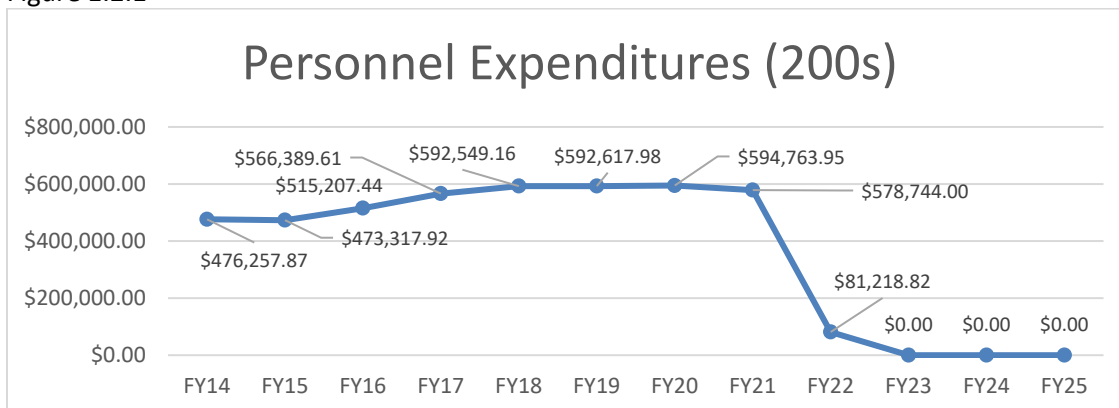
This approach has been an important strategy for maintaining the long-term health of the fund and ensuring that the greatest possible share of WCF resources is directed toward water quality monitoring and analytical activities. However, the WCF remains authorized and available to support staff salaries and related costs if needed to ensure continuity of operations and program delivery. Additional information on WCF staff salaries and benefits is provided in paragraph 1.2.1. Figures 1.2.1 through 1.2.4 illustrate expenditure trends for each major category.

Figure 1.2



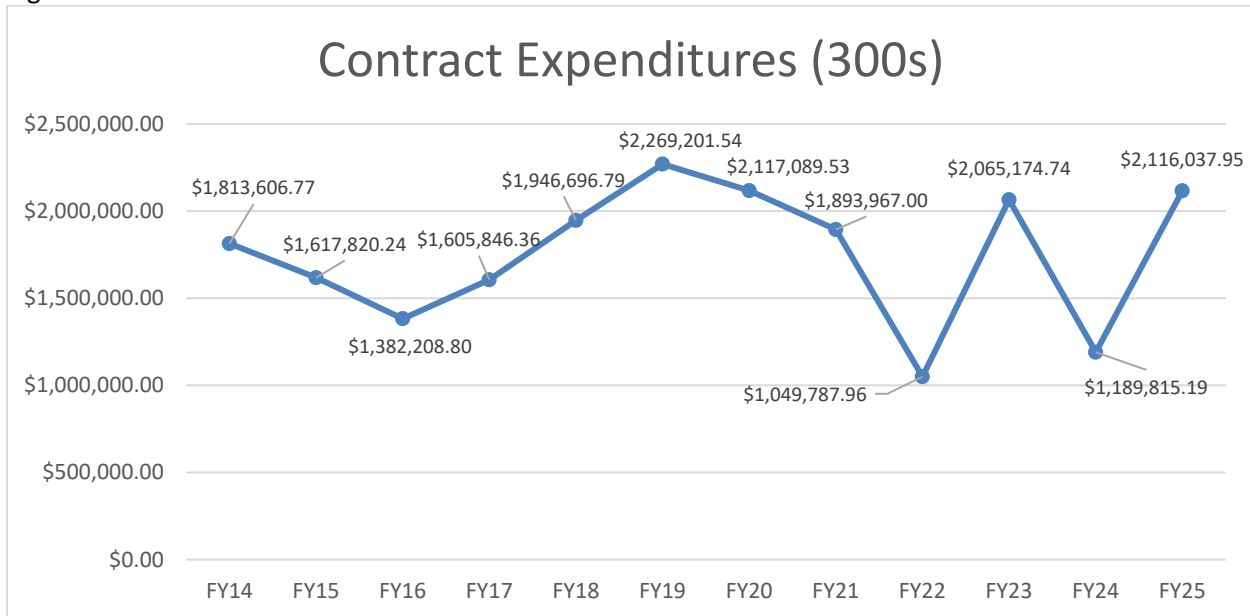
1.2.1 Salaries and Benefits include the salaries of the WCF Manager and six (6) sampling staff, as well as partial salaries for two (2) support staff. Tasks include administration of the fund, sample planning and collection activities, report development, and administrative activities. Figure 1.2.1 shows a significant decrease in WCF dollars used for staff salaries beginning in FY 2022. This decrease is due to the availability of legislative appropriations secured by NMED to cover staff salaries. In FY 2025 there were no salary and benefit expenses charged to the WCF as they were covered by the reoccurring legislative appropriations and other available general funds in the amount of \$623,885.31.

Figure 1.2.1



1.2.2 Laboratory Analytical Services are the water sampling analysis services provided by NMED contract laboratories and paid by the WCF. As shown in Figure 1.2.2, these expenses experienced a notable decrease in FY 2022, similar to the trend seen in Salaries and Benefits in Figure 1.2.1. The FY 2022 decline was due to one-time special legislative appropriations secured by NMED to cover analytical costs. Another significant reduction occurred in FY 2024, when available general funds totaling \$1,055,576.20—were used to pay for laboratory and contract expenses.

Figure 1.2.2.



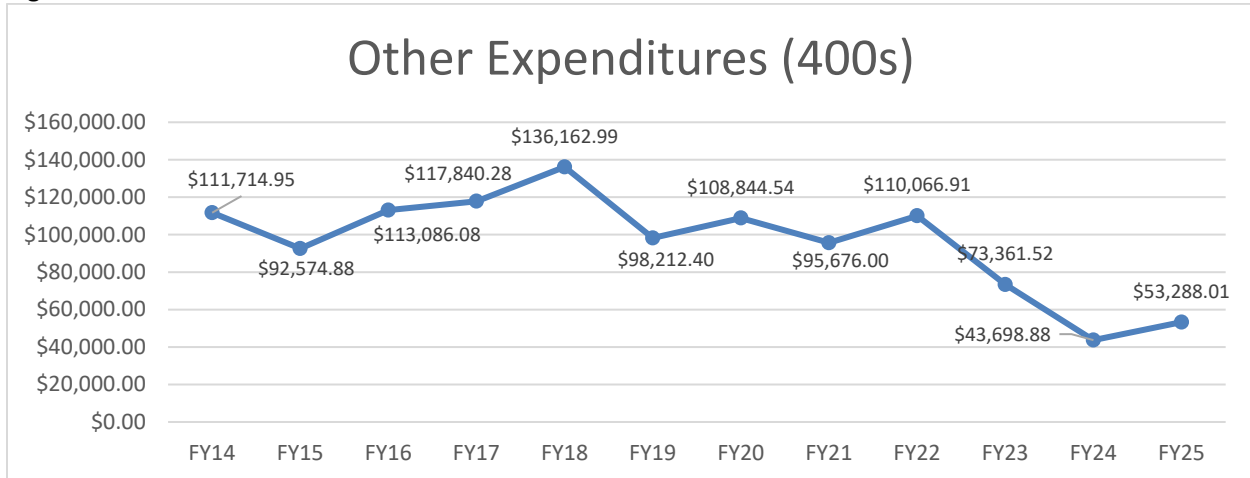
The laboratory contracts/price agreements/Memorandum of Agreement* that were in place during FY 2025 include the following:

- Chemical Analysis for Drinking Water Price Agreement #10-66700-21-27669; executed 4/19/21, expired 4/18/25.
- Chemical Analysis for Drinking Water Price Agreement #50-66700-24-27753; executed 4/4/25, expires 4/3/26.
- Microbiological Water Testing Price Agreement #20-66700-22-27672, executed 6/6/22, expired 6/5/25.
- Microbiological Water Testing Price Agreement #25-66700-22-27672, executed 7/14/22, expired 6/5/25.
- Microscopic Particulate Analysis for Drinking Water Price Agreement #20-66700-22-27673; executed 5/23/22, expired 5/22/25.
- Scientific Laboratory Division IGA No. 11-667-4000-0002 (SLD Fee Schedule for FY 2025).

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

1.2.3 “Other” Expenses include costs such as rent, vehicles, gas, equipment, shipping, travel and other items that are required to carry out the services provided by the NMED WCF sampling program. While NMEDs 400s expenses within the WCF program were \$53,288.01 in FY 2025.

Figure 1.2.3



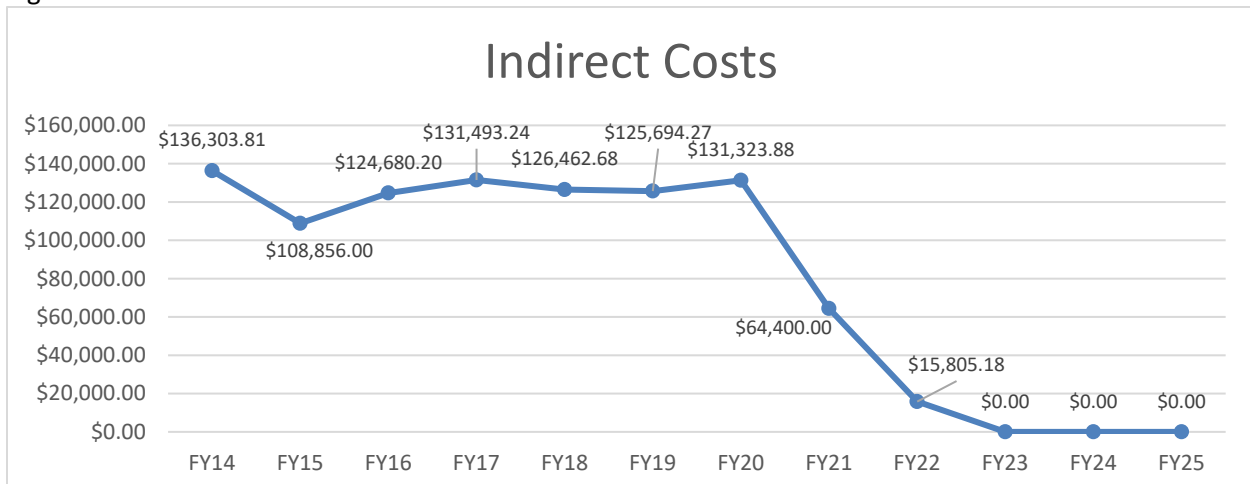
1.2.4

Indirect costs are expenses that are not directly attributable to a specific project, such as administrative, overhead, and information technology expenditures. The agency’s indirect cost rate applies only to salary and benefit expenditures (200s) charged to the Water Conservation Fund (WCF).

Beginning in FY 2023, NMED has not charged any indirect costs to the WCF because staff salaries have been paid using other available funding sources, including general fund and legislative special appropriations. This approach has been an important strategy for managing the fund and ensuring that the maximum amount of WCF resources is directed toward sampling and analytical services.

If at any point the WCF is used to cover staff salaries, corresponding indirect costs would again be reflected in fund expenditures. In FY 2025, the use of other funding sources for salaries resulted in indirect charges to the WCF totaling \$0.00.

Figure 1.2.4



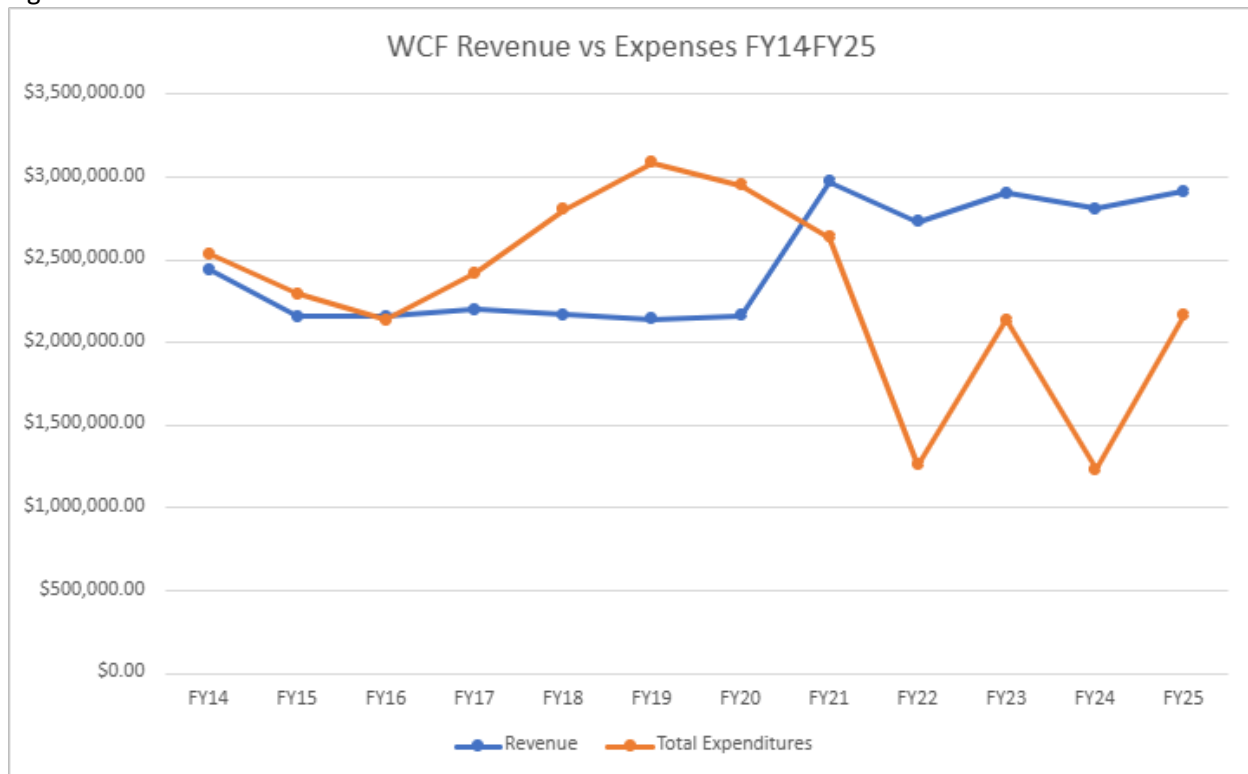
1.3 Water Conservation Fund Historical Data

Figure 1.3 presents historical revenue and expenditure data for the Water Conservation Fund (WCF) from FY 2014 through FY 2025. The chart shows that while revenues have remained relatively stable, expenditures have fluctuated in response to changes in laboratory costs, sampling requirements, and available funding sources. From FY 2016 through FY 2019, expenditures increased steadily as inflation and expanded monitoring requirements placed additional demands on the fund.

In recent years, NMED has used a combination of general fund and legislative special appropriations to help offset costs traditionally covered by the WCF. While this approach has provided short-term stability and allowed the Bureau to prioritize sampling and analytical work, it is not a long-term solution. Reliance on external funding to cover salaries and overhead reduces NMED's flexibility to use those funds for other important initiatives that support public water systems.

The current revenue structure of the WCF has remained largely unchanged for many years, and future sustainability will depend on identifying strategies to align revenues with the growing costs of compliance monitoring and laboratory services. NMED continues to evaluate options to strengthen the fund's long-term financial stability while maintaining its essential role in supporting safe drinking water throughout New Mexico.

Figure 1.3



2.0 Water Conservation Fund Implementation

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

2.1 Contaminant Testing for Public Water Supplies

The list of contaminants sampled during FY 2025 is included in **Appendix C**. This list includes contaminants that are included in the EPA's National Primary and Secondary Drinking Water Standards. The federal SDWA and associated regulations specify the sampling requirements for each size and type of PWS, the regulated contaminants that are required to be sampled, the general location where the sample should be collected, and the timeframes in which the samples must be collected. In addition to the federal requirements, state regulations require the collection of radionuclides, arsenic, and fluoride at non-transient non-community systems, such as schools and hospitals.

2.1.1 Monitoring and Reporting

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

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

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

2.1.2 WCF Sampling Team Performance

DWB's WCF Sampling Team plays a critical role in ensuring that all required sampling activities are completed with a high level of quality and accuracy. By adhering to strict quality assurance and quality control (QA/QC) standards, the team minimizes the number of rejected samples—those that must be re-collected due to sampler error or failure to meet regulatory requirements, such as holding times between collection and laboratory delivery.

While the WCF Sampling Team provides regulatory monitoring services, it is ultimately the responsibility of each PWS to ensure that sampling is completed as required and that all results are properly reported to DWB.

2.1.3 Laboratory Performance

In addition to ensuring that all required entry point samples are collected, the DWB WCF Manager is responsible for ensuring that WCF expenditures are efficient and maximize the sampling and analytical services provided to public water systems (PWSs) across New Mexico.

While sampling requirements may technically be met, monitoring violations can still occur if laboratory performance is deficient, for example, if a sample is not analyzed within the required holding time or if results are not reported to the DWB within the regulatory timeframe.

To address these challenges, the DWB has implemented managerial controls aimed at increasing cost-efficiency and laboratory performance. Laboratory contract scopes of work are carefully written to require full compliance with regulatory reporting standards, including accurate sample point descriptions and timely data delivery, before payment is issued.

Additional safeguards include the rejection of samples that do not meet specific requirements, such as proper temperature during transport, chain of custody documentation, or sample holding times. The DWB continues to strengthen collaborative efforts with certified laboratories and enhance oversight practices to ensure the highest possible quality in laboratory analysis and reporting.

2.2 Vulnerability Assessments

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

2.2.1 Monitoring Waivers

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

The estimated financial savings as a result of approved waivers is calculated based on the calendar year that the waiver is approved. Waivers exempt the sampling requirements for a calendar year-based sample schedule, *i.e.*, quarterly, annually, triennially, and six- and nine-year schedules. Reporting in this manner is an effective and consistent method to estimate cost savings accrued as a result of the waiver program even though the actual cost savings from a waiver granted in 2025 may be realized over three subsequent years.

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

Table 2.2

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

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

3.0 WCF Outlook

Since its creation in 1993, the Water Conservation Fund (WCF) has supported hundreds of public water systems across New Mexico by covering the cost of collecting and analyzing tens of thousands of drinking water samples required each year to ensure compliance with state and federal standards. These sampling and analytical activities are essential to providing safe drinking water for New Mexico communities. The statutory fee that supports the fund, set at \$0.03 per thousand gallons of water produced, has remained unchanged for more than 30 years.

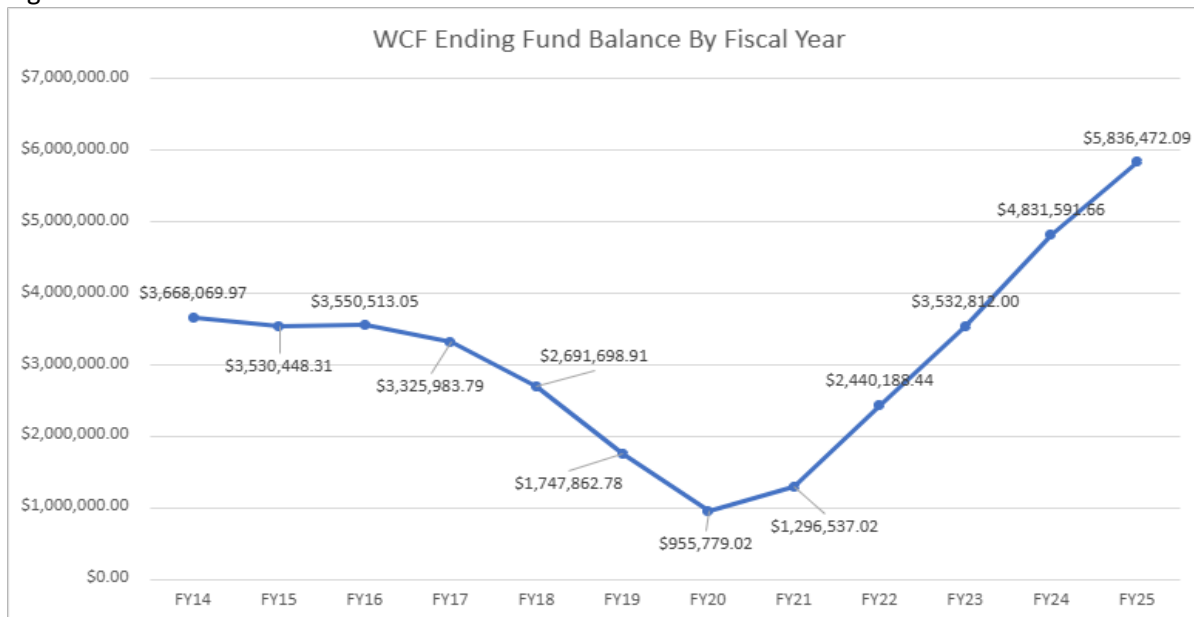
Over time, the fund's financial position has been challenged by rising operational costs and expanding regulatory requirements. Between FY 2014 and FY 2020, fund reserves declined as expenditures outpaced revenues due to increasing laboratory and sampling costs, salary adjustments, and stagnant fee revenues. Beginning in FY 2021, through focused management and the use of other available funding sources, NMED stabilized the fund's condition and restored a positive annual balance. Since then, revenues have exceeded expenditures by an average of about \$1 million per year.

These improvements have been achieved through deliberate cost management and the temporary use of general fund and legislative appropriations to offset WCF expenses. While this approach has

strengthened the fund’s near-term outlook, it is not a long-term solution. Sustained stability will ultimately require evaluating a fee increase to ensure that revenues align with the growing costs of compliance monitoring and laboratory services.

NMED’s goal is to maintain a healthy and sustainable fund balance, large enough to absorb fluctuations in sampling demand and laboratory costs, but not so high that it limits the fund’s ability to directly benefit New Mexico’s communities. To that end, the Department is evaluating the potential to use a limited portion of WCF resources in the coming calendar year to support water operator training initiatives. This measured investment would be carefully managed within available resources and is intended to build long-term system capacity while ensuring the fund remains stable and productive.

Figure 3.0



In FY 2022 NMED received its first ever base budget appropriation from the legislature to offset WCF expenditures for drinking water sampling. During FY 2025 this recurring base budget increase from the general fund has continued to help close the gap where WCF program expenditures exceed WCF revenue.

Growing a reserve balance in the WCF is an NMED priority in order to prepare for increased drinking water sampling costs in 2026 and future years associated with new federal requirements to protect public health.

4.0 Conclusion

As outlined in this report, public water systems and their consumers continue to receive substantial benefits from the Water Conservation Fund (WCF). The fund plays a critical role in protecting public health by ensuring that water systems across New Mexico are tested for contaminants and meet federal and state drinking water standards. Work conducted under the WCF is carried out efficiently, accurately, and with a consistent focus on quality. These activities remain essential to providing safe, reliable drinking water for New Mexico residents and visitors.

During FY 2025, the WCF was supplemented by general fund and legislative appropriations that helped offset program costs and preserve the fund’s balance. Without these supplemental resources, the fund’s

revenues alone would not have been sufficient to fully cover required expenditures. While the fund's condition has improved, its long-term stability depends on aligning revenues with rising laboratory and sampling costs.

NMED will continue to manage the fund carefully to ensure its solvency and effectiveness. Maintaining a strong but balanced reserve is a priority—sufficient to meet future obligations without limiting the fund's ability to benefit New Mexico communities. As part of this approach, NMED is evaluating opportunities to use a limited portion of the fund to support operator training in the coming year, consistent with its statutory purpose. This effort, combined with continued fiscal oversight and future evaluation of the existing fee structure, will help ensure the WCF remains a reliable and sustainable resource for protecting New Mexico's drinking water.

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

Appendix A: Water Conservation Fund Statute

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

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

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

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

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

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

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

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

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

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

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

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

H. As used in this section:

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

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

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

ANNOTATIONS

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

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

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

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

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

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

B. As used in this section:

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

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

History: Laws 2001, ch. 148, § 1.

ANNOTATIONS

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

Appendix B: Summary of Sampling and Testing Requirements

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

Appendix C: List of Contaminants Sampled During FY 2025

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

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

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