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STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF:

PETITION FOR REGULATORY CHANGE TO ADOPT AMENDMENTS TO 20.6.4 NMAC – *Standards for Interstate and Intrastate Surface Waters*, **No. WQCC 25-75 (R)**

NEW MEXICO ENVIRONMENT DEPARTMENT,

PETITIONER.

NEW MEXICO ENVIRONMENT DEPARTMENT'S NOTICE OF INTENT TO PRESENT DIRECT TECHNICAL TESTIMONY

Pursuant to 20.1.6.202 NMAC and the *Pre-Hearing Order* issued by the Hearing Officer on January 15, 2026, the New Mexico Environment Department ("Department" or "NMED") submits this Notice of Intent to Present Direct Technical Testimony for the hearing in this matter currently scheduled to begin on September 28, 2026.

1. Entity for whom the witnesses will testify

The witnesses will testify for the Surface Water Quality Bureau ("Bureau") of the Water Protection Division of the Department.

2. Identity of witnesses

The Department will call the following witnesses to present technical testimony at the hearing:

Michael Baca is the Water Quality Standards Coordinator and Standards and Outreach Supervisor for the Bureau. Mr. Baca's resume is attached as **NMED Exhibit 2**. His written direct testimony is attached as **NMED Exhibit 1**.

Shelly Lemon is the Bureau Chief for the Department's Surface Water Quality Bureau. Her resume is attached as **NMED Exhibit 23**. Ms. Lemon's written direct testimony is attached as **NMED Exhibit 19**.

Lynette Guevara is the Program Manager for the Monitoring, Assessment & Standards Section of the Bureau. Ms. Guevara's resume is attached as **NMED Exhibit 29**. Her written direct testimony is attached as **NMED Exhibit 28**.

Emily Miller is the Quality Assurance Officer for the Bureau. Ms. Miller's resume is attached as **NMED Exhibit 51**. Her written direct testimony is attached as **NMED Exhibit 50**.

Stephani Clark Barkalow is a Senior Water Quality Standards Scientist for the Bureau. Her resume is attached as **NMED Exhibit 58**. Ms. Clark-Barkalow's written direct testimony is attached as **NMED Exhibit 57**.

Nathaniel Reynolds is a Senior Water Quality Standards Scientist for the Bureau. Mr. Reynolds' resume is attached as **NMED Exhibit 92**. His written direct testimony is attached as **NMED Exhibit 91**.

The Department reserves the right to call any additional witnesses to provide direct or rebuttal testimony in response to any other notice of intent filed, to public comment provided, or otherwise, in this matter.

3. Location(s) at which witnesses will be present

The witnesses will be present in person in Santa Fe.

4. Estimated duration of direct oral testimony of witnesses

Pursuant to the *Pre-Hearing Order*, the estimated duration of the direct oral testimony of each of NMED's witnesses is 40 minutes.

5. List of exhibits to be offered by the Department at the hearing

Exhibit Number		Title	Total Number of Pages
NMED Exhibit	1	Direct Technical Testimony of Michael Baca	30
NMED Exhibit	2	Resume of Michael Baca	2
NMED Exhibit	3	State of New Mexico Statewide Water Quality Management Plan and Continuing Planning Process	228
NMED Exhibit	4	Water Quality Control Commission Delegation of Responsibilities to Environmental Improvement division and Oil Conservation Division	4
NMED Exhibit	5	Request for EPA's review and approval of the State of New Mexico's Triennial Review of Standards for Interstate and Intrastate Surface Waters (May 2, 2022)	2
NMED Exhibit	6	EPA Letter Re: 2020 Triennial Revisions to 20.6.4 NMAC – Approval and Interim Technical Support Document (January 19, 2023)	57
NMED Exhibit	7	EPA Letter Re: 2020 Triennial Revisions to 20.6.4 NMAC – ESA Consultation Not Likely to Adversely Affect Determination and Approval (April 27, 2023)	2
NMED Exhibit	8	EPA Letter Re: 2020 Triennial Revisions to 20.6.4 NMAC – ESA Formal Consultation and Approval (June 13, 2024)	2
NMED Exhibit	9	2026 Triennial Review, Draft Amendments to Water Quality Standards, Public Review Draft – 20.6.4 NMAC	30
NMED Exhibit	10	2026 Triennial Review – Draft Amendments and Public Comment Period Email Announcement	4
NMED Exhibit	11	2026 Triennial Review – Public Meeting PowerPoint Presentation	17
NMED Exhibit	12	EPA Comments on New Mexico Environment Department 2026 Triennial Review Public Draft – 20.6.4 NMAC	16
NMED Exhibit	13	Public Comments on NMED's Proposed Amendments to New Mexico's Water Quality Standards (20.6.4 NMAC) – 2026 Triennial Review	66
NMED Exhibit	14	Affidavits of Publication of Public Notice of Rulemaking in English and Spanish	40
NMED Exhibit	15	Public Notice, Emails, and website Screenshots - Compliance with the "Provide to the Public" rulemaking requirements	20
NMED Exhibit	16	Email communications from NMED to the Tribal Environmental Directors and Natural Resource Managers – Public Comment and Notice of Rulemaking Hearing	2
NMED Exhibit	17	Notice to Small Business Regulatory Advisory Council	2
NMED Exhibit	18	Clean Water Act Financial Capability Assessment Guidance (EPA, March 2024 Revision)	103

NMED Exhibit	19	Direct Technical Testimony of Shelly Lemon	8
NMED Exhibit	20	Functions and Values of Wetlands (EPA, March 2002)	2
NMED Exhibit	21	Playa Lakes: Understanding Their Importance and How to Protect Them and Improve Their Function (NMSU, July 2021)	8
NMED Exhibit	22	Wetlands Program Plan for New Mexico (NMED-SWQB, May 2021)	30
NMED Exhibit	23	Resume of Shelly Lemon	6
NMED Exhibit	24	New Mexico Wetland Resources (USGS)	6
NMED Exhibit	25	Hydrological, Physical, and Chemical Functions and Connectivity of Non-Floodplain Wetlands to Downstream Waters: A Review (Charles R. Lane et al., March 1, 2018)	41
NMED Exhibit	26	A Review of the Wetland's Restoration Mechanisms and Its Economic and Social Benefits (IWA, 2024)	23
NMED Exhibit	27	Proposed Amendments to 20.6.4 NMAC (filed with First Amended Petition on June 2, 2026)	61
NMED Exhibit	28	Direct Technical Testimony of Lynette Guevara	17
NMED Exhibit	29	Resume of Lynette Stevens Guevara	4
NMED Exhibit	30	EPA-Approved 2026-2028 State of New Mexico Clean Water Act §303(d)/§305(b) Integrated Report (June 10, 2026)	546
NMED Exhibit	31	Memorandum of Understanding - NMED and USDA, Forest Service Southwestern Region (May 2, 2023)	12
NMED Exhibit	32	Notification of Emergency Action with potential to impact ONRW on NM National Forests, McCauley Springs Fire (June 26, 2026)	3
NMED Exhibit	33	NM Level III and IV Ecoregions Map	1
NMED Exhibit	34	Draft TSD: Recommended Estimates for Missing WQ Parameters for Application of EPA's Biotic Ligand Model (EPA, March 2016)	160
NMED Exhibit	35	SWQB SOP 12.1 – Lake Sampling (May 22, 2025)	22
NMED Exhibit	36	National Lakes Assessment 2022 Field Operations Manual (EPA, May 2022)	128
NMED Exhibit	37	Santa Cruz Lake Location and Summary Information	4
NMED Exhibit	38	2022 Statewide Fisheries Management Plan (NMDGF, June 17, 2022)	202
NMED Exhibit	39	WQCC 11-05 (R) Final Order and Statement of Reasons	30
NMED Exhibit	40	SWQB Santa Cruz Lake *E. coli* data	1
NMED Exhibit	41	Canadian and Upper Rio Grande Basin Lakes TMDLs (August 20, 2024)	148
NMED Exhibit	42	Rio Peñasco WQS segment split 208 and 231 map	1
NMED Exhibit	43	Rio Bonito WQS segment split 208 and 209 map	1
NMED Exhibit	44	Rio Ruidoso WQS segment split 208 and 209 map	1

NMED Exhibit	45	Mora River WQS segment split 307 and 309 map	1
NMED Exhibit	46	Coyote Creek WQS segment split 307 and 309 map	1
NMED Exhibit	47	SWQB Sedimentation/Siltation Listing Methodology for Streams and Rivers from CALM (August 15, 2025)	12
NMED Exhibit	48	SWQB Recreational Use Analysis for Classified Waters 20.6.4.101-20.6.4.899 NMAC with Secondary Contact (July 21, 2026)	10
NMED Exhibit	49	Rio Hondo and tributaries WQS segment 206 and 231 map	1
NMED Exhibit	50	Direct Technical Testimony of Emily Miller	17
NMED Exhibit	51	Resume of Emily Miller	2
NMED Exhibit	52	Air-Water Temperature Correlation in New Mexico and Modeled Attainable Aquatic Life Subcategories (August 2011)	13
NMED Exhibit	53	Surface Water Quality Bureau's Evaluation of Fish Assemblage Data	18
NMED Exhibit	54	Water Quality Standards Segment Map with Assessment Unit Sampling Stations for 20.6.4.502, .503, and .601 NMAC	1
NMED Exhibit	55	Thermograph and Air-Water Temperature Correlation Data for Observed and Modeled TMAX, 4T3, and 6T3 Temperature Values for 20.6.4.502, .503, and .601 NMAC	2
NMED Exhibit	56	Map of Existing and Proposed Boundaries for Water Quality Standards Segments 20.6.4.601 and .602 NMAC	1
NMED Exhibit	57	Direct Technical Testimony of Stephani Clark Barkalow	21
NMED Exhibit	58	CV of Stephani L. Clark Barkalow	6
NMED Exhibit	59	2021 Revision to: Aquatic Life Ambient Water Quality Criterion for Selenium- Freshwater 2016 (EPA)	807
NMED Exhibit	60	Technical Support for Adopting and Implementing the EPA's 2016 Selenium Criterion in Water Quality Standards	34
NMED Exhibit	61	Selenium concentrations in fish tissue 2010-2025	1
NMED Exhibit	62	Final Freshwater Aquatic Life Ambient Water Quality Criteria and Acute Saltwater Benchmark of Perfluorooctane Sulfonate (PFOS) (EPA, September 2024)	535
NMED Exhibit	63	Final Freshwater Aquatic Life Ambient Water Quality Criteria and Acute Saltwater Aquatic Life Benchmark of Perfluorooctanoic Acid (PFOA)	480
NMED Exhibit	64	Technical and Regulatory Guidance Per- and Polyfluoroalkyl Substances (PFAS) (ITRC, January 2026)	1118
NMED Exhibit	65	Ecological Research on PFAS Contamination of Wildlife at Holloman Lake (DBS&A, January 8, 2025)	613
NMED Exhibit	66	National Primary Drinking Water Regulations (EPA)	16
NMED Exhibit	67	pH (EPA)	22
NMED Exhibit	68	Quality Criteria for Water 1986 (EPA, May 1, 1986)	395

NMED Exhibit	69	Technical Memorandum- pH Requirements of Freshwater Aquatic Life (RBI, May 2004)	15
NMED Exhibit	70	U.S. Environmental Protection Agency NPDES Permit Writer's Manual (EPA, September 2010)	269
NMED Exhibit	71	PBT- Persistent Bioaccumulative Toxic Chemicals (EPA)	5
NMED Exhibit	72	40 CFR Part 372 Persistent Bioaccumulative Toxic Chemicals; Lowering of Reporting Thresholds for Certain PBT Chemicals; Addition of Certain PBT Chemicals; Community Right-to-Know Toxic Chemical Reporting (64 Fed. Reg. 58666, October 29, 1999)	88
NMED Exhibit	73	Stockholm Convention on Persistent Organic Pollutants (POPs) (UNEP, SSC, 2025)	82
NMED Exhibit	74	Transcript of 2002 Triennial Review	192
NMED Exhibit	75	Final Aquatic Life Ambient Water Quality Criteria for Aluminum 2018 (EPA, December 2018)	329
NMED Exhibit	76	2020 Triennial Review (WQCC 20-51) - Excerpt of K. Barrios written testimony regarding aluminum criteria	4
NMED Exhibit	77	Draft Technical Support Document: Implementing the 2018 Recommended Aquatic Life Water Quality Criteria for Aluminum (EPA, November 2021)	41
NMED Exhibit	78	2005 Triennial Review (WQCC 03-05(R)) - Excerpt from Statement of Reasons re Arsenic	2
NMED Exhibit	79	Maximum Arsenic Concentrations (µg/L) SWQB Watershed Surveys 2010-2018 Map (NMED)	1
NMED Exhibit	80	Aquatic Life Ambient Freshwater Quality Criteria - Copper (EPA, February 2007)	204
NMED Exhibit	81	Training materials on Copper BLM: Implementation (EPA)	5
NMED Exhibit	82	WQCC 24-31 (Site-Specific Water Quality Criteria for Copper) - Transcript Excerpt	6
NMED Exhibit	83	Quality Criteria for Water (EPA, July 26, 1976)	533
NMED Exhibit	84	Methodology for Deriving Ambient Water Quality Criteria for Protection of Human Health (2000) (EPA, October 2000)	185
NMED Exhibit	85	Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses (EPA, 1985)	59
NMED Exhibit	86	Ambient Water Quality Criteria for Zinc – 1987 (EPA, February 1987)	215
NMED Exhibit	87	Water Quality Standards for Interstate and Intrastate Streams in New Mexico (WQCC, Effective November 12, 1991)	56
NMED Exhibit	88	2009 Triennial Review (WQCC 08-13) - Excerpt from Statement of Reason re zinc adoption	2
NMED Exhibit	89	2020 Triennial Review (WQCC 20-51) - Excerpt from EPA approval letter re TAN	4

NMED Exhibit	90	2023 Review - Water Quality Standards for Salinity in the Colorado River System (Colorado River Basin Salinity Control Forum, October 2023)	112
NMED Exhibit	91	Direct Technical Testimony of Nathaniel Reynolds	7
NMED Exhibit	92	Resume of Nathaniel Reynolds	2
NMED Exhibit	93	Recommended Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermopsin (EPA, May 2019)	249
NMED Exhibit	94	Draft Technical Support Document: Implementing the 2019 Recommended Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermospin (EPA, December 2019)	21
NMED Exhibit	95	Final Technical Support Document: Implementing the 2019 Recommended Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermospin (EPA, July 2021)	28
NMED Exhibit	96	Harmful Algal Bloom (HAB) Advisory Guidance (NMED SWQB, July 9, 2026)	19

The Department specifically reserves the right to introduce additional exhibits that represent affidavits of publication from public notice, and that were not available at the time of filing this NOI. The Department further reserves the right to introduce and move for the admission of any other exhibit in support of testimony or at the hearing in this matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *New Mexico Environment Department's Notice of Intent to Present Direct Technical Testimony* was filed with the Water Quality Control Commission Administrator and served via electronic mail on the following parties in this matter on July 30, 2026.

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