



New Mexico Environment Department

2026 Triennial Review-Public Meeting
SWQB - Standards and Outreach Team
September 10, 2025





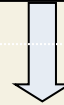
What is a Triennial Review?

- ❑ Required by Clean Water Act (CWA)
- ❑ Review of Surface Water Quality Standards (WQS)
 - ▣ 20.6.4 New Mexico Administrative Code (NMAC)
 - ▣ consider adopting EPA-recommended CWA Section 304(a) criteria to protect human health and aquatic life
 - ▣ review waters lacking CWA Section 101(a)(2) fishable/swimmable uses
 - i.e., Are there new data to support swimmable or fishable uses?
- ❑ Modify and adopt WQS as appropriate
- ❑ Must occur at least once every three years
- ❑ Public hearing in front of the NM Water Quality Control Commission (WQCC)

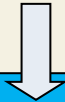


Water Quality Standards

Designated Uses



Criteria



Numeric

Limit or range



Narrative

Statement

Antidegradation Policy



Designated Uses



Images courtesy of U.S. EPA
<https://www.epa.gov/wqs-tech/designated-uses>

- Clean Water Act (CWA) designated uses:
 - Protection and propagation of fish, shellfish, and wildlife
 - Recreation in and on the water
 - Public water supply
 - Agriculture, industry, and navigation
- New Mexico's Designated Uses:
 - Aquatic Life – seven subcategories
 - Recreation - Primary and Secondary Contact
 - Wildlife Habitat
 - Water Supply – Industrial, Domestic, and Public
 - Livestock watering, irrigation/irrigation storage, and fish culture.



Criteria

- **Numeric Criteria**
 - ▣ limit or range for a pollutant or physical condition
 - ▣ Derived from scientific toxicological studies
 - ▣ 20.6.4.900 NMAC – Default values by Designated Use
 - ▣ 20.6.4.97 - .899 NMAC - waterbody-specific values

- **Narrative Criteria**
 - ▣ Expressed a verbal statement
 - ▣ Referred to as General Criteria at 20.6.4.13 NMAC



Antidegradation

- Framework for maintaining and protecting water quality
 - Tier 1- All Waters of the State
 - Tier 2- Exceptional water quality
 - Tier 3- ONRW



Resources

- ❑ **2026 Triennial Review Webpage**
 - ❑ <https://www.env.nm.gov/surface-water-quality/2026-triennial-review/>
 - ❑ Public Review Draft and supporting documents
 - ❑ Links to SmartComment, WQS and WQS Amendments webpages
 - ❑ Updated throughout rulemaking process
- ❑ **Public Review Draft**
 - ❑ Includes Table of Contents with Sections that include proposed amendments
 - ❑ Does not include sections where no amendments are being proposed
 - ❑ Track Changes shows proposed amendments then a “Basis for Change” explains the rationale for the amendment



Proposed Amendments - Overview

- 2026 Triennial Review Amendments:
 - ▣ Provide clarity and conform to NMAC style and formatting guidelines
 - ▣ Add or change definitions
 - ▣ Update administrative process
 - ▣ Revise designated uses
 - Required to review CWA Section 101(a)(2) fishable/swimmable goals
 - ▣ Revise/Adopt criteria
 - CWA Section 304(a) – EPA Recommended criteria



Proposed Amendments-Wetlands

- **Definition of “wetlands” (20.6.4.7 NMAC)**
 - ▣ Recognize wetlands unique functions and features
 - ecological, hydrological, and economic services.
- **Narrative standard (20.6.4.13 NMAC)**
 - ▣ Protect and maintain wetland function and size, and
 - ▣ State Permitting – support program development and implementation.
- **Antidegradation policy and implementation plan (20.6.4.8 NMAC)**



Proposed Amendments-Designated Uses

- Update recreational uses (20.6.4.213, 20.6.4.219, 20.6.4.231, 20.6.4.308 NMAC)
 - Pecos and Canadian River Basins
 - Secondary contact to Primary Contact Use
- Remove warmwater aquatic life use (20.6.4.502, 20.6.4.601 NMAC)
 - Gila and San Francisco river basins
 - Reviewed “dual” aquatic life use segments (cold and warm);
 - Available data support coldwater aquatic life use
 - Fisheries, temperature, and modeling data



Proposed Amendments-Petitioner's Responsibilities

- Administrative rulemaking costs (20.6.4.10 NMAC)
 - ▣ Specify “petitioners” are responsible
 - ▣ NMED or a third-party can be a petitioner

- Site-specific Criteria (20.6.4.10 NMAC)
 - ▣ Third-party demonstrations and requirements
 - ▣ In line with other processes to amend standards



Proposed Amendments – Criteria

- PFOA and PFOS ([20.6.4.900.J NMAC](#))
 - CWA Section 304(a) recommended criteria - Aquatic Life Use
 - Water column concentrations,
 - Whole-body tissue concentrations for invertebrates,
 - Whole-body tissue concentrations for fish, and
 - Muscle tissue-only concentrations for fish.



Proposed Amendments - Criteria

- ❑ **Selenium - Aquatic Life** (20.6.4.900.J NMAC)
 - ▣ EPA recommended CWA Section 304(a) criteria
- ❑ **Lead - Domestic Water Supply** (20.6.4.900.J NMAC)
 - ▣ EPA recommended action level
- ❑ **pH - Limited Aquatic Life** (20.6.4.900.H NMAC)
 - ▣ Range supports aquatic life, and
 - ▣ in line with technology-based limits
 - NPDES Permitting
- ❑ **2,4-D, methoxychlor, and Silvex - Domestic Water Supply** (20.6.4.900 NMAC)
 - ▣ EPA maximum contaminant level (MCL)



How You Can Participate

- ❑ **Provide Public Comment to SWQB**
 - ▣ August 15, 2025 – October 14, 2025
 - ▣ Public Comment Portal or email
- ❑ **Attend WQCC meetings**
- ❑ **Anticipated public notice in newspaper and *NM Register***
 - ▣ Winter/Spring 2026
- ❑ **Provide written or oral comment at WQCC meetings**
 - ▣ Rulemaking Petition expected late 2025
 - ▣ Requesting a 2026 hearing
- ❑ **Provide expert testimony at WQCC hearing**
 - ▣ Instructions provided in the public notice of rulemaking
- ❑ **Provide written comment to WQCC**
 - ▣ Notice will provide more detail.



Smart Comment Demonstration

<https://nmed.commentinput.com/comment/search>



Tentative Timeline

- Oct 14, 2025: Public comment period closes
- Dec 9, 2025: Petition WQCC for hearing
- Spring 2026: Provide public notice of hearing
 - ▣ WQCC comment period
- Late Summer / Early Fall 2026: Triennial Review hearing



Questions/ Discussion

Written Comments

Wednesday, October 14, 2025

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<https://www.env.nm.gov/surface-water-quality/wqs/>

2026 Triennial Review Team

Many people at NMED provided help in preparing and reviewing the proposed amendments including: Lynette Guevara, Nate Reynolds, Emily Miller, Stephani Clark Barkalow, the Watershed Protection Section - Wetlands Team, Brecken Scott, Shelly Lemon.