



Update of 20.6.2 New Mexico Administrative Code: The Groundwater Regulations

Agenda

- ▶ What are the groundwater regulations?
- ▶ What changes need to be made?
- ▶ What does it mean for New Mexico?
- ▶ What is the process?
- ▶ How can citizens participate?

What are the groundwater regulations?

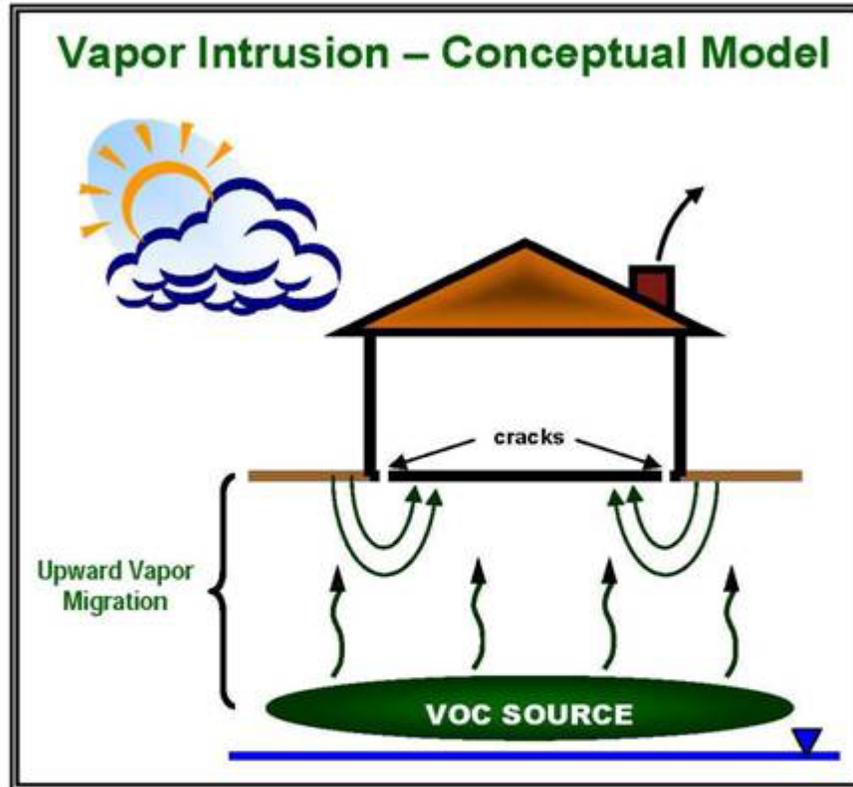
New Mexico was the first state in the Nation to develop protective regulations for groundwater in 1977

- ▶ The regulations included reporting and cleanup of spills and the issuance of permits for discharges that could impact groundwater quality
- ▶ 1977 numerical standards included metals, nutrients, and other inorganic standards
- ▶ Additions in 1982 and 1986 included organic standards such as PCE, TCE, and BTEX
- ▶ These organic standards for volatile organic compounds (VOCs) have not been updated since the 1980's
- ▶ The Abatement process was added in 1995
- ▶ Abatement language has not been updated in 20 years

Updating the Regulations

- What type of changes are we proposing?
 - ▶ Adding vapor intrusion protections to the regulations
 - ▶ Lowering (making more stringent) the groundwater standard for Trichloroethene (TCE) and adding its daughter products (1,2 DCE)
 - ▶ Clarifying Abatement Language
 - ▶ Raising Permitting Fees (GWQB is largely General Fund-dependent and has suffered cuts of 40% in the last few years)
 - ▶ Adding the regulatory oversight of Geothermal
 - ▶ Adding technology based (electronic notifications) provisions to the public notice requirements

What is Vapor Intrusion?



- ▶ VI is the migration of contaminants from the subsurface into buildings
- ▶ Almost always a chlorinated solvent like PCE or TCE
- ▶ Usually emanating from a former dry cleaner, auto repair, or semi-conductor type of degreasing facility
- ▶ Petroleum products can create VI, but it's very rare



Why do the numerical standards need updating?

As scientific evidence grows, the regulatory climate and standards often change.

Current NM Groundwater Standard

- ▶ PCE - 20 ug/L
- ▶ TCE - 100 ug/L

Current EPA Drinking Water Standard

- ▶ PCE - 5 ug/L
- ▶ TCE - 5 ug/L

New Mexico groundwater standards for PCE and TCE were promulgated in 1982

Other issues we have identified

- ▶ Incorporate email in the public notice process
- ▶ NMED now regulates and permits some geothermal activities
- ▶ Add PCE and TCE daughter (breakdown) products cis and trans 1,2-DCE
- ▶ Clarify abatement language
- ▶ Include financial assurance for abatement rules
- ▶ Clarify exemption language

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What is the process and how can citizens participate?

GWQB will file a petition with proposed changes with the Water Quality Control Commission (WQCC), which will set a hearing date in the fall. Hearing procedures, including provisions for public participation, are set forth in Section 20.1.9 of the New Mexico Administrative Code (NMAC) and in the WQCC Guidelines.

In the meantime, we welcome comments and dialogue, just as we will throughout the process.

E-MAIL NMED - for questions or information

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NMED WEBSITES - for information

<http://www.env.nm.gov/gwqb>

<http://164.64.110.239/nmac/parts/title20/20.001.0009.htm>

<https://www.env.nm.gov/wqcc/>



Your questions and comments

Thank you!