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NEW MEXICO ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau
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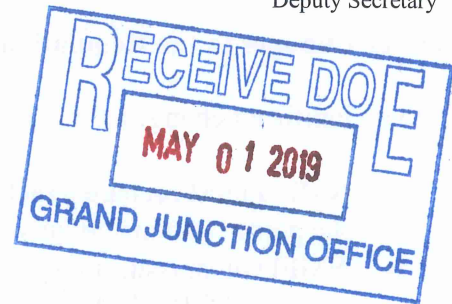


JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 24, 2019

Bill Frazier
Site Manager – L-Bar
2597 Legacy Way
Grand Junction, CO 81503



Dear Permittee,

The New Mexico Environment Department (NMED) Ground Water Quality Bureau (GWQB) wishes to notify you of recent amendments to the Ground and Surface Water Protection Regulations (20.6.2 NMAC¹). As a holder of a groundwater discharge permit, New Mexico's Water Quality Control Commission's amendments to the referenced regulations took effect on December 21, 2018, and these amendments may influence your current or future discharge permit.

Changes to the Ground Water Standards

The most significant changes for entities with discharge permits are the changes to the groundwater numerical standards at 20.6.2.3103 NMAC and the addition of several regulated contaminants. The numerical standards were revised to generally be consistent with the federal drinking water Maximum Contaminant Levels, resulting in both more and less stringent constituent specific standards. In a few specific cases, more protective standards were retained, rather than relaxing an existing standard to match the less protective federal standard. Please be aware that some of the revised standards will not take effect until July 1, 2020, as are identified in the regulations. Groundwater protection standards were adopted for 13 previously unregulated contaminants.

Furthermore, 13 additional contaminants were added to the list of "toxic pollutants" (See the definitions section at 20.6.2.7 NMAC). A minor change resulted in the toxic pollutants narrative standard being moved from the definitions section into the standards section at 20.6.2.3103.A(2) NMAC. A list showing the changes to the standards is enclosed for your reference.

¹ Available at <http://164.64.110.134/parts/title20/20.006.0002.html> or <https://www.env.nm.gov/gwqb/gw-regulations/>.

Because of these changes to the standards, all general references in your current discharge permit to the standards of 20.6.2.3103 NMAC refer to the new standards, including the newly added contaminants. The next time your groundwater discharge permit is renewed or modified, it may contain requirements to sample for specific additional contaminants based upon this regulatory change and the nature of your groundwater discharge.

Other Changes to the Regulations

Other significant changes to the regulations include, but are not limited to:

- NMED must prepare a fact sheet to accompany draft permits for federal facilities, unless the permit pertains to only domestic waste. (See 20.6.2.3108.I NMAC)
- NMED must issue a response to significant comments received on draft permits. (See 20.6.2.3109.B NMAC)
- Injection wells and surface impoundments constructed to recharge an aquifer are not exempt from the requirement to obtain a Discharge Permit. (See 20.6.2.5006 NMAC)
- Revised requirements pertain to the content of petitions for a variance from the regulations, and to the duration and review of variances. (See 20.6.2.1210 NMAC)

This letter does not attempt to identify or characterize all the changes to the regulations. You can find links to the amendments that were published in the New Mexico Register, to a clean version of the amended regulations, and to the Water Quality Control Commission's Order and Statement of Reasons for adopting the amendments at the GWQB's website at:

<https://www.env.nm.gov/gwqb/gw-regulations/>

Thank you for your ongoing cooperation. If you have any questions you may contact the reviewer assigned to your discharge permit and with whom you are accustomed to working, or you may contact me at 505-827-0195 or at kurt.vollbrecht@state.nm.us.

Sincerely,



Kurt Vollbrecht, Manager
Mining Environmental Compliance Section

Encl: 20.6.2.3103 NMAC - Revised Groundwater Standards



New Mexico Environment Department

Ground Water Quality Bureau

20.6.2.3103 STANDARDS FOR GROUND WATER

Revised groundwater standards adopted by the New Mexico Water Quality Control Commission became effective on December 21, 2018. Some standards were changed, and new standards were adopted for additional contaminants. Designations for each contaminant now include the Chemical Abstracts Service (CAS) number for clearer identification. The following table summarizes the additions and changes to the numeric standards in Section 20.6.2.3103 NMAC. **Bold type** highlights the standards that have changed and identifies the contaminants that are new to the numeric standards (previous standard listed as “none”). The second table lists contaminants that were added to the “toxic pollutants” identified in Subsection T of 20.6.2.7 NMAC. For full details, please refer to the Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

Contaminant (Abbreviation) (CAS Number)	Previous Standard	Current Standard
Numerical Standards (mg/l unless otherwise noted)		
Antimony (Sb) (CAS 7440-36-0)	None	0.006
Arsenic (As) (CAS 7440-38-2)	0.1*	0.01*
Barium (Ba) (CAS 7440-39-3)	1.0	2.0
Beryllium (Be) (CAS 7440-41-7)	None	0.004
Cadmium (Cd) (CAS 7440-43-9)	0.01*	0.005*
Chromium (Cr) (CAS 7440-47-3)	0.05	0.05
Cyanide (CN) (CAS 57-12-5)	0.2	0.2
Fluoride (F) (CAS 16984-48-8)	1.6	1.6
Lead (Pb) (CAS 7439-92-1)	0.05*	0.015*
Total Mercury (Hg) (CAS 7439-97-6)	0.002	0.002
Nitrate (NO ₃ as N) (CAS 14797-55-8)	10.0	10.0
Nitrite (NO₂ as N) (CAS 10102-44-0)	None	1.0
Selenium (Se) (CAS 7782-49-2)	0.05	0.05
Silver (Ag) (CAS 7440-224)	0.05	0.05
Thallium (Tl) (CAS 7440-28-0)	None	0.002
Uranium (U) (CAS 7440-61-1)	0.03	0.03
Radioactivity: Combined Radium-226 (CAS 13982-63-3) and Radium-228 (CAS 15262-20-1)	30 pCi/l*	5 pCi/l*
Benzene (CAS 71-43-2)	0.01*	0.005*
Polychlorinated biphenyls (PCB's) (CAS 1336-36-3)	0.001*	0.0005*
Toluene (CAS 108-88-3)	0.75	1.0
Carbon Tetrachloride (CAS 56-23-5)	0.01*	0.005*
1,2-dichloroethane (EDC) (CAS 107-06-2)	0.01*	0.005*
1,1-dichloroethylene (1,1-DCE) (CAS 75-35-4)	0.005	0.007
tetrachloroethylene (PCE) (CAS 127-18-4)	0.02*	0.005*
trichloroethylene (TCE) (CAS 79-01-6)	0.1*	0.005*
ethylbenzene (CAS 100-41-4)	0.75*	0.7*
total xylenes (CAS 1330-20-7)	0.62	0.62
methylene chloride (CAS 75-09-2)	0.1*	0.005*
chloroform (CAS 67-66-3)	0.1	0.1
1,1-dichloroethane (CAS 75-34-3)	0.025	0.025
ethylene dibromide (EDB) (CAS 106-93-4)	0.0001*	0.00005*
1,1,1-trichloroethane (CAS 71-55-6)	0.06	0.2
1,1,2-trichloroethane (CAS 79-00-5)	0.01*	0.005*
1,1,2,2-tetrachloroethane (CAS 79-34-5)	0.01	0.01
vinyl chloride (CAS 75-01-4)	0.001	0.002

PAHs: total naphthalene (CAS 91-20-3) plus monomethylnaphthalenes	0.03	0.03
benzo-a-pyrene (CAS 50-32-8)	0.0007*	0.0002*
cis-1,2-dichloroethene (CAS 156-59-2)	None	0.07
trans-1,2-dichloroethene (CAS 156-60-5)	None	0.1
1,2-dichloropropane (PDC) (CAS 78-87-5)	None	0.005
styrene (CAS 100-42-5)	None	0.1
1,2-dichlorobenzene (CAS 95-50-1)	None	0.6
1,4-dichlorobenzene (CAS 106-46-7)	None	0.075
1,2,4-trichlorobenzene (CAS 120-82-1)	None	0.07
pentachlorophenol (CAS 87-86-5)	None	0.001
atrazine (CAS 1912-24-9)	None	0.003
Other Standards for Domestic Water Supply		
Chloride (Cl) (CAS 16887-00-6)	250	250
Copper (Cu) (CAS 7440-50-80)	1.0	1.0
Iron (Fe) (CAS 7439-89-6)	1.0	1.0
Manganese (Mn) (CAS 7439-96-5)	0.2	0.2
Phenols	0.005	0.005
Sulfate (SO ₄) (CAS 14808-79-8)	600	600
Total Dissolved Solids (TDS) TDS	1000	1000
Zinc (Zn) (CAS 7440-66-6)	10	10
pH	6-9	6-9
Methyl tertiary-butyl ether (MTBE) (CAS 1634-04-4)	None	0.1
Standards for Irrigation Use		
Aluminum (Al) (CAS 7429-90-5)	5.0	5.0
Boron (B) (CAS 7440-42-8)	0.75	0.75
Cobalt (Co) (CAS 7440-48-4)	0.05	0.05
Molybdenum (Mo) (CAS 7439-98-7)	1.0	1.0
Nickel (Ni) (CAS 7440-02-0)	0.2	0.2

*For purposes of application of the amended numeric standards for arsenic, cadmium, lead, combined radium-226 & radium-228; benzene, PCBs, carbon tetrachloride, EDC, PCE, TCE, ethylbenzene, methylene chloride, EDB, 1,1,2-trichloroethane and benzo-a-pyrene, to past and current water discharges (as of July 1, 2017), the new standards will not become effective until July 1, 2020.

The following table lists contaminants that were added to the “toxic pollutants” identified in Subsection T of 20.6.2.7 NMAC. Narrative standards apply to the full list of toxic pollutants, as described in Subsection A of 20.6.2.3103 NMAC.

Toxic Pollutants Added as of December 21, 2018	
styrene (ethenylbenzene)	1,4-dioxane (1,4-D)
1,2-dichlorobenzene (ortho-dichlorobenzene)	sulfolane (thiolane 1,1-dioxide)
1,4-dichlorobenzene (para-dichlorobenzene)	perfluorohexane sulfonic acid (PFHxS)
1,2,4-trichlorobenzene	perfluorooctane sulfonate (PFOS)
pentachlorophenol (PCP)	perfluorooctanoic acid (PFOA)
1,2-dichloropropane (propylene dichloride, PDC)	atrazine
	prometon