

My Turn

Proposed changes to Clean Water Act dirty business for New Mexico

By Rachel Conn

The Taos News, 25 Apr 2019

On April 15, the comment deadline on a proposed rule by the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) ended. This “Dirty Water Rule” would have devastating impacts to Taos County and our state by leaving 96 percent of New Mexico’s water unprotected by the federal Clean Water Act, the flagship law that protects our nation’s waters from pollution. Rivers such as the Río Fernando, Miranda Canyon, Río Costilla and all the tributaries from the west side of the Valle Vidal would be left unprotected.

The rule proposes to eliminate protections for ephemeral waters (waters that don’t flow year-round) and for various other categories of waters including waters that do flow year-round but have ephemeral, or dry, stretches before reaching a “Traditionally Navigable Water” (TNW). New Mexico only has four TNWs – Río Grande, Pecos, Canadian and San Juan rivers.

Amigos Bravos believes the Dirty Water Rule will impact New Mexico more than any other state in the country because of how many ephemeral waters we have here in the state and because we don’t have a state program in place to control discharges from facilities like wastewater treatment plants, mines, generating stations and oil and gas development. The current New Mexico permitting program is run by EPA and if this rule goes into effect, the EPA will only issue permits for facilities that discharge into waters federally protected by the Clean Water Act. The proposed rule would drastically shrink the number of waters protected in New Mexico and initial estimates show that up to 50 percent of discharge permits would no longer be required.

Streams and drainages in Taos County such as the Río Fernando, Miranda Canyon and the Río Costilla all have dry stretches and under the new rule are at risk of being left unprotected and open to pollution. The city of Santa Fe has passed a resolution in opposition to the rule and we hope other local governments including those in the Taos area will do so as well. Please consider submitting a comment to: Ow-docket@epa.gov.

Rachel Conn works with the nonprofit river and watershed advocacy group Amigos Bravos.

Due to the Taos News commitment to publish letters in the order in which they are received, this letter was not published before the deadline for comments.

