



# New Mexico Environment Department

*Protecting Our Environment, Preserving The Enchantment*

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## Outstanding National Resource Waters FAQs

### **What are Outstanding National Resource Waters?**

Outstanding National Resource Waters (ONRWs) are waters that receive special protection against degradation under New Mexico's water quality standards and the federal Clean Water Act. They are designated by the Water Quality Control Commission.

Waters eligible for ONRW designation include waters that are part of a national or state park, wildlife refuge or wilderness areas, special trout waters, waters with exceptional recreational or ecological significance, and high quality waters that have not been significantly modified by human activities.

### **What waters are currently designated as ONRWs?**

In 2005 and 2006, the Water Quality Control Commission designated New Mexico's first ONRWs. The designated waters are:

- ♦ the Rio Santa Barbara (west, middle and east forks) within the Pecos Wilderness; and
- ♦ the surface waters within the U.S. Forest Service Valle Vidal Special Management Unit.

### **What is the process for designating an ONRW?**

Any person may nominate a surface water for designation as an ONRW by filing a petition with the Water Quality Control Commission. The petition must set forth sufficient justification for the proposed designation. Public notice of the petition must be provided and a public hearing held before the Commission makes a decision on the petition.

### **What special water quality protection do ONRWs receive?**

New Mexico's surface water quality standards designate uses for water bodies, set criteria to protect those uses, and establish provisions to preserve water quality. Examples of designated uses are irrigation, wildlife habitat, livestock watering, municipal and domestic water supply, recreation and aquatic life uses. ONRWs are typically subject to the same water quality criteria as other waters with similar designated uses; however, ONRWs receive additional protection aimed at preserving water quality. Degradation of water quality is not allowed in ONRWs except under very limited circumstances. Where water quality meets or exceeds standards, that higher water quality must be protected.

### **What are the benefits of ONRW designation?**

By protecting against water quality degradation — even in high quality waters where standards are exceeded — ONRW designation benefits all users of the water including any downstream users. If watershed conditions along the ONRW need improvement, designation can help to funnel restoration efforts and financial assistance into the area.

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### **Does ONRW designation affect existing land uses and activities?**

Land-use activities in existence at the time an ONRW is designated will not be affected so long as they are controlled by best management practices and do not result in new or increased discharges of contaminants to the ONRW after designation. Examples of such activities could include recreation, grazing, farming, ditch maintenance and many others.

### **How does ONRW designation affect future activities on public and private lands in a watershed?**

New land uses or activities can proceed if they do not cause any water quality degradation in the ONRW. Proposed activities with the potential to impact water quality would likely be reviewed under existing permitting programs, such as:

- ◆ Section 404 permits for discharge of dredge or fill material into a waterway;
- ◆ National Pollutant Discharge Elimination System (NPDES) permits; and
- ◆ Special-use permits on U.S. Forest Service lands or Bureau of Land Management lands.

These permits could be denied or conditioned to prevent degradation in the ONRW.

### **Can water quality degradation ever be allowed in an ONRW?**

Temporary and short-term degradation may be allowed, but only if it can be shown to result in restoration or maintenance of the chemical, physical or biological integrity of the ONRW. This is the only exception to the strict no-degradation rule. It is intended to allow watershed protection and restoration projects to be implemented where needed in ONRW watersheds even if temporary water quality disruptions occur as a result.

### **Can facility maintenance and fire prevention activities take place near an ONRW?**

Maintenance of existing facilities can continue as long as it doesn't result in new or increased discharges of contaminants into the ONRW. Many fire prevention activities are necessary for the long-term protection of water quality within a watershed; to that end, temporary and short-term degradation associated with such activities may be approved.

### **If water quality in an ONRW is impaired, what steps are taken by the State to remediate?**

The primary means for addressing any impaired water, ONRW or not, is the preparation of a document called a Total Maximum Daily Load (TMDL). The TMDL considers existing pollutant loads and establishes a budget based on meeting the water quality standard in the stream. The budget allocates loads for point sources and nonpoint sources of the pollutant to the stream. The TMDL budget is implemented through discharge permits for point sources and through voluntary, cooperative watershed restoration strategies for nonpoint sources.

If violation of a water quality standard can be tied to a particular point or nonpoint source, whether within or outside of an ONRW, the State has the authority to pursue a direct enforcement action.

### **Where can I get more information about ONRWs?**

The regulations concerning ONRWs are contained in New Mexico's Standards for Interstate and Intrastate Surface Waters at 20.6.4.8 and 9 NMAC. These standards and additional information about ONRWs can be accessed on the New Mexico Environment Department's website at [www.nmenv.state.nm.us/swqb/ONRW/](http://www.nmenv.state.nm.us/swqb/ONRW/). You may also call the Surface Water Quality Bureau at 505-827-2822.