

AN ACT

RELATING TO WATER; CORRECTING THE PROVISIONS FOR IRRIGATION
AND FLOOD CONTROL FACILITIES IN THE WATER QUALITY CONTROL
ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 74-6-12 NMSA 1978 (being Laws 1967,
Chapter 190, Section 11, as amended) is amended to read:

"74-6-12. LIMITATIONS.--

A. The Water Quality Act does not grant to the
commission or to any other entity the power to take away or
modify the property rights in water, nor is it the intention
of the Water Quality Act to take away or modify such rights.

B. The Water Quality Act does not apply to any
activity or condition subject to the authority of the
environmental improvement board pursuant to the Hazardous
Waste Act, the Ground Water Protection Act or the Solid Waste
Act except to abate water pollution or to control the
disposal or use of septage and sludge.

C. The Water Quality Act does not authorize the
commission to adopt any regulation with respect to any
condition or quality of water if the water pollution and its
effects are confined entirely within the boundaries of
property within which the water pollution occurs when the
water does not combine with other waters.

D. The Water Quality Act does not grant to the commission any jurisdiction or authority affecting the relation between employers and employees with respect to or arising out of any condition of water quality.

E. The Water Quality Act does not supersede or limit the applicability of any law relating to industrial health, safety or sanitation.

F. Except as required by federal law, in the adoption of regulations and water quality standards and in an action for enforcement of the Water Quality Act and regulations adopted pursuant to that act, reasonable degradation of water quality resulting from beneficial use shall be allowed. Such degradation shall not result in impairment of water quality to the extent that water quality standards are exceeded.

G. The Water Quality Act does not apply to any activity or condition subject to the authority of the oil conservation commission pursuant to provisions of the Oil and Gas Act, Section 70-2-12 NMSA 1978 and other laws conferring power on the oil conservation commission to prevent or abate water pollution.

H. When changes in dissolved oxygen, temperature, dissolved solids, sediment or turbidity in a water of the state is attributable to natural causes or to the reasonable operation of irrigation and flood control facilities that are

