



State of New Mexico
ENVIRONMENT DEPARTMENT



Office of the Secretary

SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855 Fax (505) 827-2836
www.nmenv.state.nm.us

DAVE MARTIN
Secretary
BUTCH TONGATE
Deputy Secretary

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Contact: Jim Winchester
Communications Director
(505) 827-0314

**Environment Department Seeks Public Comment on
Water Quality Standards for Specific Unclassified Non-Perennial Stream Segments
in New Mexico**

The Department is requesting public input on a proposal to amend the surface water quality standards for 18 unclassified non-perennial stream segments in New Mexico. These segments are located throughout New Mexico including five in McKinley County, two in Santa Fe and Bernalillo Counties, and one each in Eddy, Socorro, Colfax, and Sandoval Counties.

In New Mexico, unclassified non-perennial waters are by default subject to §20.6.4.98 NMAC, with designated uses of wildlife habitat, livestock watering, primary contact, and marginal warmwater aquatic life. The Department has evidence that these may not be the appropriate uses and has developed a draft Use Attainability Analysis (UAA) to determine the most protective aquatic life and contact uses that can be attained in these segments. Through the use of the *Hydrology Protocol for the Determination of Uses Supported by Ephemeral, Intermittent, and Perennial Waters (Hydrology Protocol)* this draft UAA indicates that, due to natural ephemeral conditions, the highest attainable uses and those that are currently being achieved are that of secondary contact and limited aquatic life.

At this time the Department is proposing changes to the water quality standards based on the findings of this UAA. If a UAA based on the department's *Hydrology Protocol* (latest edition), approved by the commission, demonstrates to the satisfaction of the department that Section 101(a)(2) uses are not feasible in an ephemeral water body, the department shall post the UAA on its water quality standards website and notify its interested parties list of a 30-day public comment period. After reviewing any comments received, the department may proceed by submitting the UAA and response to comments to region 6 EPA for technical approval. If technical approval is granted, the waters shall be subject to 20.6.4.97 NMAC which has uses of secondary contact and limited aquatic life. The UAA, the technical approval, and the applicability of 20.6.4.97 NMAC to the waters shall be posted on the department's water quality standards website. The department shall periodically petition the commission to list ephemeral waters under Subsection C of 20.6.4.97 NMAC and to incorporate changes to classified segments as appropriate.

The draft UAA and proposed amendments are available on the Environment Department's website at <http://www.nmenv.state.nm.us/swqb/Standards/> under "What's New". This 30-day public comment period will close at 4:00 PM on August 27, 2012. Comments may be submitted to Jodey Kougioulis at the New Mexico Environment Department, Surface Water Quality Bureau, P.O. Box 5469, Santa Fe, NM 87502. He may also be reached by telephone at (505) 827-2820 or email at jodey.kougioulis@state.nm.us.