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Via Electronic Mail

September 17, 2025

Orlando Ortega  
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Quang Nguyen, (Acting) Permitting Section Manager  
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Water Division – Permitting Section  
1201 Elm Street  
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Re: Revised State of New Mexico Antidegradation Review, National Pollutant Discharge Elimination System Application No. NM0031235, Eastern New Mexico Water Utility Authority, Proposed Discharge to Ute Lake, Antidegradation Analysis

Dear Orlando Ortega and Quang Nguyen:

Water quality standards include a framework and methodology known as “antidegradation” for deciding if, when, and how water quality may be degraded. Antidegradation applies to all activities with the potential to adversely affect water quality or existing or designated uses, including any new, increased, or modified point source discharges. The New Mexico Environment Department (NMED), acting under authority delegated by the Water Quality Control Commission, implements water quality standards in the State of New Mexico, including the antidegradation policy and implementation plan. As such, NMED “requires the highest and best degree of wastewater treatment practicable and commensurate with protecting and maintaining the designated uses and existing water quality.” (20.6.4.8(B) New Mexico Administrative Code or NMAC). In general, all point source discharges regulated by individual National Pollutant Discharge Elimination System (NPDES) permits are subject to an antidegradation review at the time of issuance, modification, or renewal of a permit.

The Eastern New Mexico Water Utility Authority (ENMWUA) and their contractors are proposing a new point source discharge related to a pilot drinking water plant, which triggered this antidegradation review and analysis. The ENMWUA proposes to discharge to Ute Lake (Reservoir). When there is a new discharge or a substantial change at a facility that discharges pollutants into surface waters in New Mexico, the Clean Water Act and the New Mexico Administrative Code both require that, “[w]here the quality of a surface water of the state exceeds [the standards], that quality shall be maintained and protected.” (20.6.4.8 (A)(2) NMAC).

Ute Reservoir is a classified water of the state and described in Section 20.6.4.302 NMAC. The designated uses of Ute Reservoir are livestock watering, wildlife habitat, public water supply, industrial water supply, primary contact, and warmwater aquatic life. Pursuant to New Mexico’s antidegradation regulations and procedures, the NMED Surface Water Quality Bureau (SWQB) conducted an antidegradation review of the Eastern New Mexico Water Utility Authority proposed discharge to Ute Reservoir.

SWQB evaluated water quality data that the bureau collected during the 2014, 2015, and 2016 water quality surveys, supplemented by source water data collected by the ENMWUA, to determine baseline

water quality and assimilative capacity of the receiving water (20.6.4.302 NMAC, Ute Reservoir). SWQB also evaluated data provided in the NPDES applications to estimate the proposed effluent discharge pollutant concentrations. SWQB analyzed the available water quality data to determine if the effluent from the proposed ENMWUA discharge will cause degradation of the receiving water.

As a result of the antidegradation review, NMED-SWQB concludes that the proposed discharge will not result in “significant degradation” as defined in New Mexico’s Antidegradation Policy Implementation Procedure and characterized by the baseline water quality evaluation. The antidegradation review process is complete and the permitting process may proceed. A summary of the calculations and results is attached.

SWQB is still evaluating if additional monitoring is needed during the actual discharge of wastewater and will provide those requirements, if necessary, in the State’s Clean Water Act Section 401 certification. SWQB staff will continue to work with the United States Environmental Protection Agency (USEPA) Region 6 to ensure effluent limitations are protective of State water quality standards.

If you have any questions about this letter or the NMED-SWQB antidegradation review, please contact Susan A. Lucas Kamat, SWQB Point Source Regulation Program Manager, at 505-946-8924 or [susan.lucaskamat@env.nm.gov](mailto:susan.lucaskamat@env.nm.gov).

Sincerely,

Shelly Lemon, Bureau Chief  
Surface Water Quality Bureau

cc: (w/ enclosures)

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CITATIONS: 20.6.4.8 NMAC Antidegradation Policy and Implementation Plan  
20.6.4.302 NMAC Ute Reservoir  
Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP)  
Appendix A, Antidegradation Policy Implementation Procedure for Regulated Activities  
40 C.F.R. §131.12 Antidegradation policy and implementation methods