



New Mexico Environment Department

Approval of 2024-2026 State of New Mexico Clean Water Act §303(d) Integrated List

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Clean Water Act (CWA) Framework

Develop Water Quality Standards (20.6.4 NMAC)



Monitor and Assess Waterbodies



CWA 303(d)/305(b) Integrated Report and List



Develop TMDLs or Alternatives
for Impaired Waters



Issue/ Revise Point Source
Permits (NPDES)

Minimize Non-point Sources
(Watershed Based Plans/BMPs)

Problem
Identification



Management
actions





Integrated List of Assessed Surface Waters

- The Integrated List is a state's list of assessed surface waters. The term "303(d) list" or "list" is the state's list of impaired waters (e.g., stream/river segments, lakes).
- The List is designed to satisfy the statutory requirements of Section 303(d) of the Clean Water Act.
- States are required to submit their List to EPA for approval by April 1 every even numbered year.
- For each water on the list, the state identifies the pollutant causing the impairment, when known, and assigns a priority for development of a Total Maximum Daily Load (TMDL).
- Available on the NMED website:
<https://www.env.nm.gov/surface-water-quality/303d-305b/>



Clean Water Act 303(d)/305(b) Integrated Report

The CWA §303(d)/305(b) Integrated Report (IR) is designed to satisfy the statutory requirements of Section (§) 303(d) and the reporting requirements of §§ 305(b) and 314 of the federal Water Pollution Control Act (33 U.S.C. 1251) commonly known as the Clean Water Act (CWA). It is also designed to serve as a source of basic information on water quality and water pollution control programs in New Mexico. The Comprehensive Assessment and Listing Methodology (CALM) explains how New Mexico assesses surface water quality data against our most current water quality standards (20.6.4 NMAC) to determine attainment.

Contact Meredith Zeigler at meredith.zeigler@env.nm.gov with §303(d)/305(b) Integrated Report questions.

Final Draft 2024-2026 Integrated List (February 23, 2024)

2024-2026 Integrated Report plus all appendices (by April 1)	Appendix B – Designated Use, Cause, and Source Summary Tables (by April 1)
Appendix A - Integrated List	Appendix C – Response to Comments
WQCC approval order (pending)	EPA approval letter (pending)

2024-2026 Integrated List Summary Spreadsheets

Integrated List by IR Category - Excel	All impairments (Category 4 or 5) - Excel
New Impairments - Excel	De-listed impairments - Excel

2024-2026 Supporting Documents and Websites

- Comprehensive Assessment and Listing Methodology (CALM)
- Assessment Rationale (ROD) (February 23, 2024 update)
- Data Submittal Information
- 2024 IR External Data Quality Determinations
- 20.6.4.114.B NMAC radionuclides public disclosure memo
- IR Category 4B Demonstration for Sandia Canyon (February 23, 2024 update)
- Public Notice (English) (Español) & Public Involvement Plan



Relationship to the NM Water Quality Act and WQCC

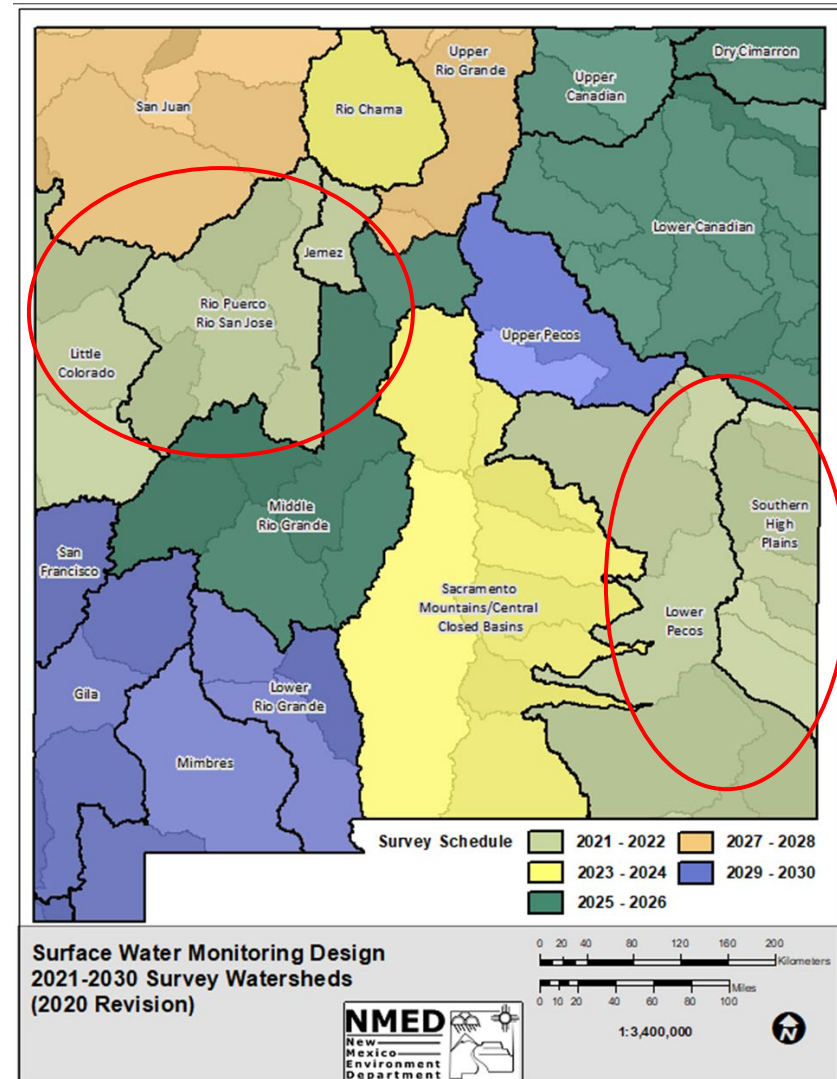
- ❑ Under the New Mexico Water Quality Act, the Water Quality Control Commission (WQCC) is the water pollution control agency for all purposes of the Clean Water Act (CWA) in New Mexico, including approval of the 303(d) Integrated List as outlined in Section III C of WQMP-CPP prior to submission to EPA.
- ❑ The New Mexico Environment Department (NMED) is the primary constituent agency responsible for administering and enforcing all programs implemented by the state under the CWA. NMED is also the principal source of technical expertise to the WQCC for CWA actions and activities.
- ❑ Under **CWA section 303(d)**, states must develop and submit a list of impaired waters for EPA approval. EPA approves or disapproves the State's 303(d) list of impaired waters needing TMDLs.
- ❑ The Integrated List ("303(d) List") is incorporated by reference into the New Mexico Water Quality Management Plan and Continuing Planning Process (WQMP-CPP) at Section III C.



2024-2026 Integrated List - Primary Focus

Little
Colorado, Rio
Puerco, Rio
San Jose, and
Jemez river
watersheds
(2021-2022)

Southern
High Plains
and Lower
Pecos river
watersheds
(2021-2022)





2024-2026 List - Primary Data Sources

- ❑ Little Colorado, Rio Puerco, Rio San Jose, and Jemez river and tributaries (2021-2022)
- ❑ Southern High Plains and Lower Pecos river watersheds (2021-2022)

Additional sources of data this listing cycle:

- ❑ 2020-2023 EPA, USGS and Pueblo (collected on state waters) monitoring data from various locations throughout New Mexico downloaded from the Water Quality Portal (<https://www.waterqualitydata.us/>),
- ❑ 2022-2023 San Juan River Basin Multijurisdictional monitoring program data stored in SQUID,
- ❑ 2022-2023 SWQB Effectiveness monitoring data downloaded from SQUID,
- ❑ 2020-2023 data for various stream reaches in and around Taos and Red River collected by Sentinels-Rio de Taos and submitted by Amigos Bravos,
- ❑ Anthony Water and Sanitation District antidegradation data (submitted),
- ❑ San Juan Soil and Water Conservation District CWA 604(b) grant data (submitted), and
- ❑ 2020-2023 Los Alamos National Laboratory and NMED DOE Oversight Bureau data downloaded from Intellus New Mexico (<https://www.intellusnm.com/>)



Integrated List of Assessed Surface Waters

The Integrated List contains the Surface Water Quality Bureau's (SWQB) surface water quality assessment conclusions:

- Designated Use attainment status for each Assessment Unit (AU)
 - Based on most recent WQCC and EPA approved version of 20.6.4 NMAC
 - Assessed using the procedures described in current SWQB's Comprehensive Assessment and Listing Methodology (CALM)
- AU and Parameter (i.e., impairment cause) IR Categories 1-5 based on SWQB's CALM and EPA's Integrated Report Guidance
- New Mexico's List of Impaired Waters/ CWA §303(d) list:
 - All IR Category 5 waters in the Integrated List
 - **Focus of EPA Region 6's approval**



Integrated List IR Categories

Unimpaired or Restored (e.g., meets all monitored applicable WQ criteria):

IR Category 1

All designated uses are supported

IR Category 2

Available data and/or information indicate that some designated uses are supported, while others are “not assessed”

Unknown (e.g., no or not enough WQ data to make a determination):

IR Category 3

There are insufficient available data and/or information to make any designed use support determinations

3A

No data available.

3B

Minimum “n” not available and data do not exceed any applicable water quality criterion

3C

Minimum “n” not available and data do exceed one or more applicable water quality criteria



Integrated List IR Categories (cont.)

Impaired

(does not meet one or more monitored water quality criteria):

IR Category 4

4A

Impaired, but a TMDL has already been established for all pollutants

4B

Impaired, but other pollution control **requirements** are expected to result in attainment of the water quality standard

4C

Impairment caused by “pollution” vs. a pollutant

IR Category 5 = CWA §303(d) List

5A

Impaired and TMDL scheduled

5B

Impaired but a review of the water quality standard is needed before scheduling a TMDL

5C

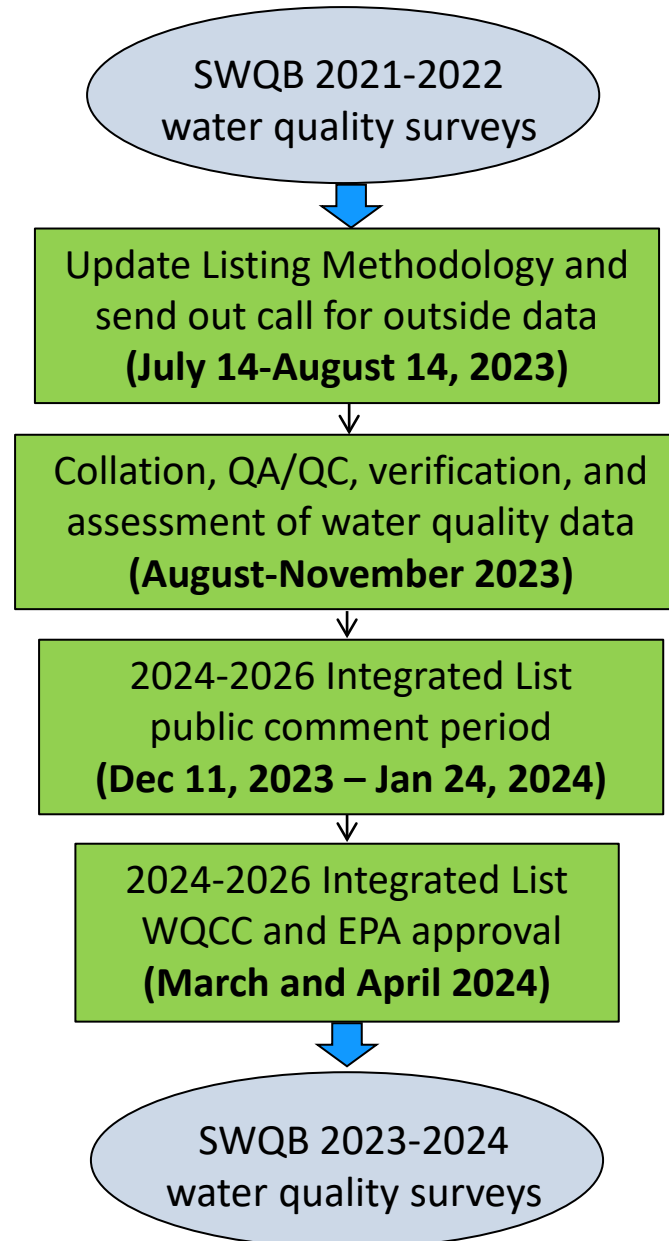
Impaired but more data are needed before scheduling a TMDL

5-R

Impaired and an advance restoration approach is in progress or under development



2024-2026 Integrated List Schedule





Public Participation Process

- Revised **Comprehensive Assessment and Listing Methodology (CALM)** combined with Data Solicitation **30-day public comment period (July 14, 2023 – August 14, 2023)**
 - ▣ EPA Region 6 review

- Draft 2024-2026 CWA §303(d) Integrated List **45-day public comment period (December 11, 2023 – January 24, 2024)**
 - ▣ Additional EPA Region 6 review
 - ▣ Posted to SWQB website (<https://www.env.nm.gov/surface-water-quality/303d-305b/>)
 - ▣ E-mail announcement sent via GovDelivery (2,010 recipients) in both Spanish and English
 - ▣ Comments received from Amigos Bravos and Buckman Direct Diversion Board



Changes to Public Draft Integrated List

Public Comment received and additional staff review resulted in the following notable changes to the **Integrated List** after the public comment period (detailed in **Appendix C**):

- ❑ Revised the wording in the definition field of the Integrated List to clarify that the “assessed” date does not denote data collection dates.
- ❑ Removed the duplicate definition of “assessed” in the definition field of the Integrated List.
- ❑ Reviewed Assessment Unit (AU) comments for consistency; removed out-of-date comments, such as comments referring to sampling conducted during previous monitoring rotations, and moved anecdotal AU comments inferring existing or designated uses to standards revision planning documents.
- ❑ Added an AU Comment indicating if an AU falls within a designated ONRW.
- ❑ Minor revisions/clarifications to the associated Assessment Rationale (formerly known as the “Record of Decision (ROD)”).



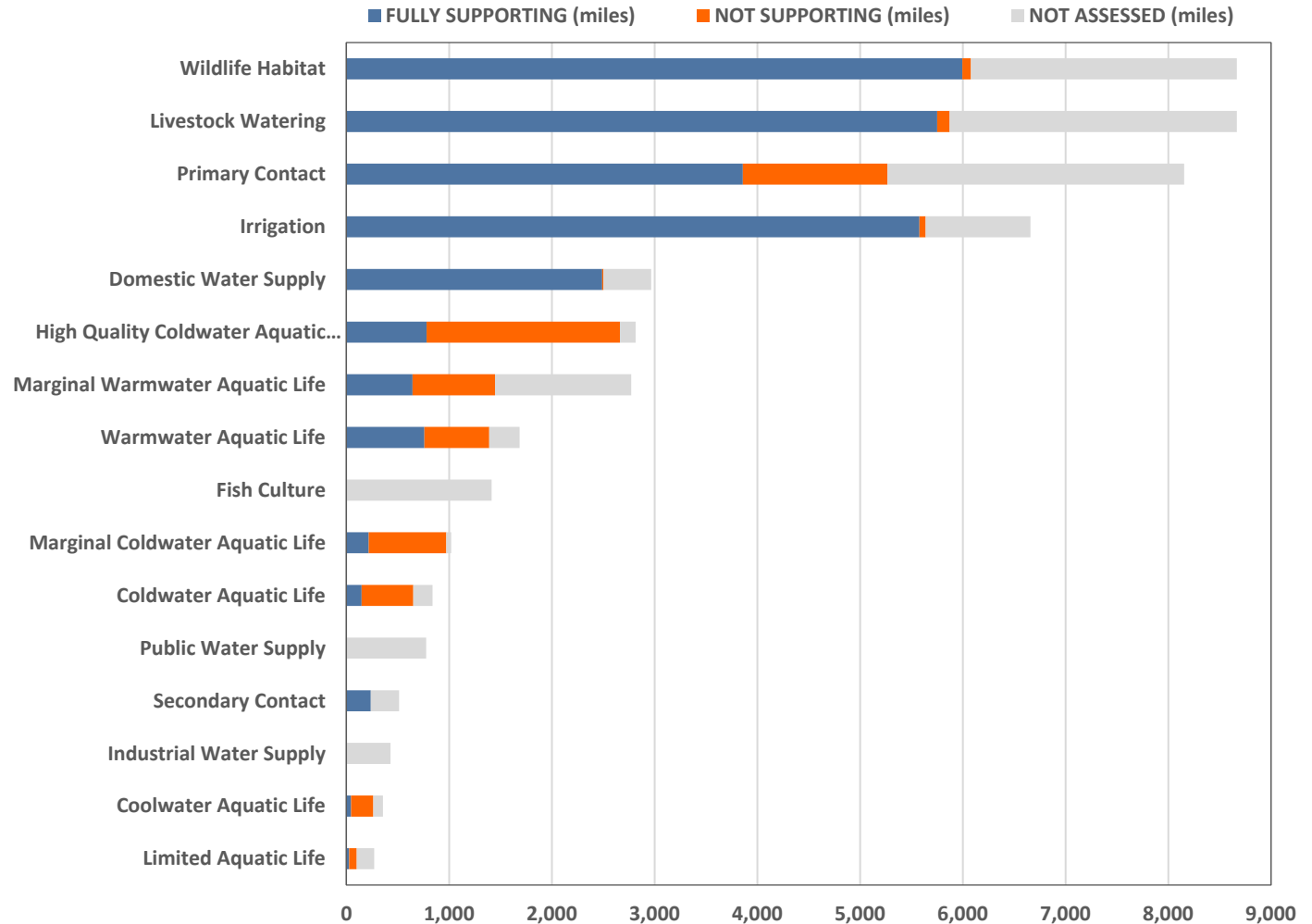
Changes to Public Draft Integrated List, cont.

- ❑ **Bluewater Lake (NM-2107.B_00) and Quemado Lake (NM-9000.B_096)** – These lakes were sampled in 2022 for fish tissue but due to issues outside of SWQB’s control data was not received from the laboratory until late December 2023. Some fish tissue samples contained methylmercury concentrations greater than the water quality criterion of 0.3 mg/kg. Therefore, a “Mercury - Fish Consumption Advisory” listing was added during the public comment period.
- ❑ **Rio Fernando de Taos (Tienditas Creek to headwaters) (NM-98.A_001)** – Temperature and specific conductance impairments that were documented during the 2020 listing cycle and noted in the assessment records but omitted due to a data entry error were added.
- ❑ Changed name of AU “**Burns Lake (Rio Arriba)**” to “**Laguna del Campo**” (NM-9000.B_025) to align with external references to the lake, added an AU Comment regarding the name change, and changed the AU from IR Cat from 5A to 5C to indicate that while still impaired, more data collection is needed.



303(d) Statistics: Designated Use Attainment Status by Stream Mileage

Designated Uses by Stream Mileage

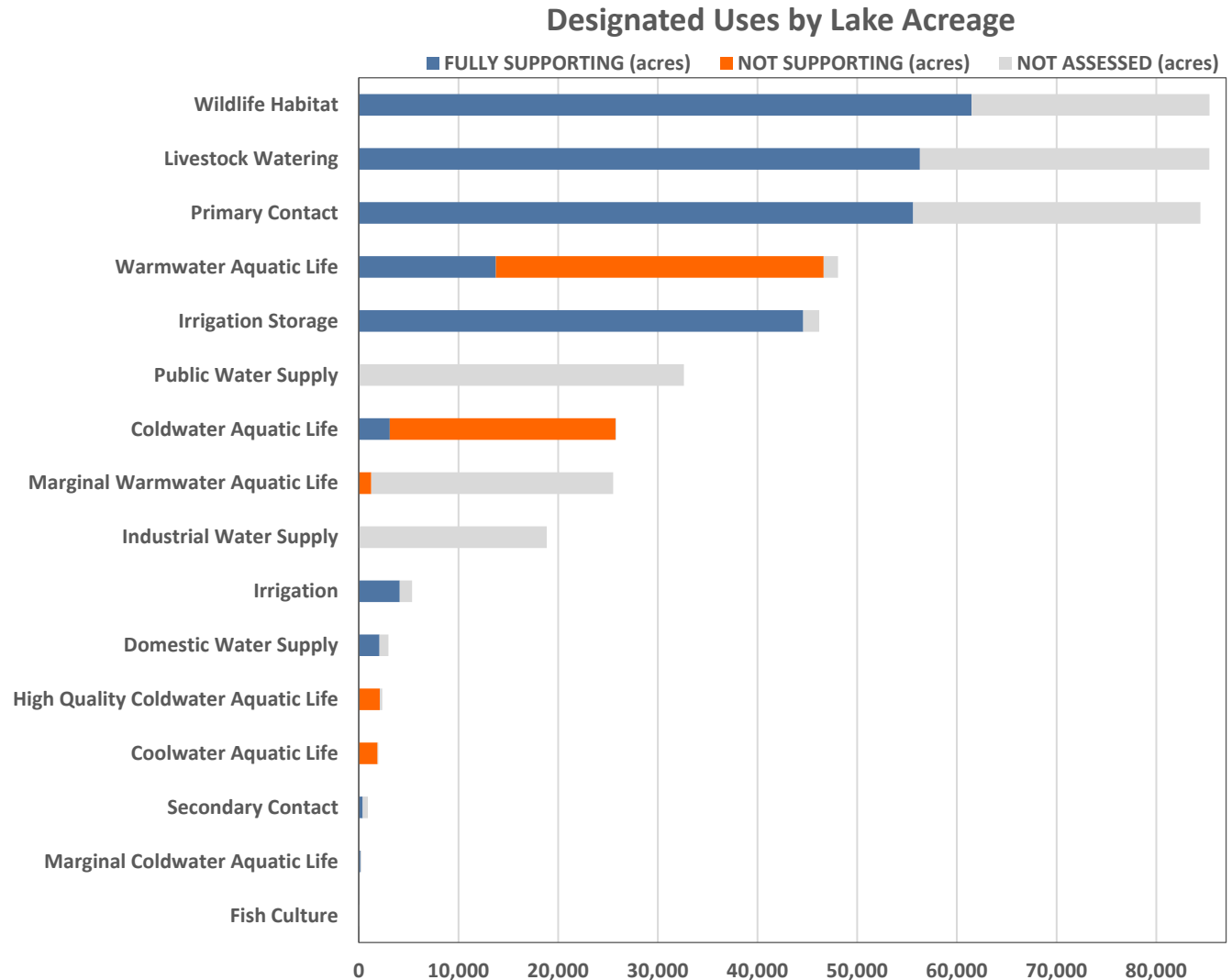


NOTE: All Fish Culture, Public Water Supply, and Industrial Water Supply designated uses are defaulted to "Not Assessed" because no numeric criteria apply uniquely to these uses per 20.6.4.900.A NMAC.



303(d) Statistics: Designated Use Attainment Status by Lake Acreage

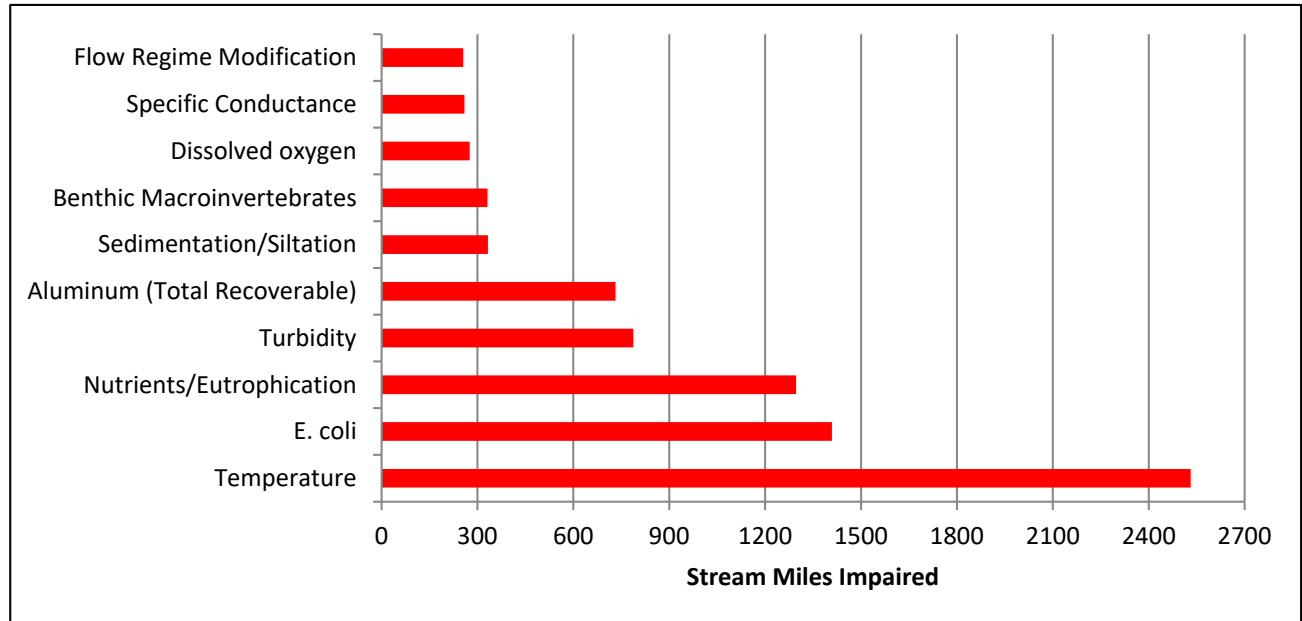
NOTE: All Fish Culture, Public Water Supply, and Industrial Water Supply designated uses are defaulted to "Not Assessed" because no numeric criteria apply uniquely to these uses per 20.6.4.900.A NMAC.



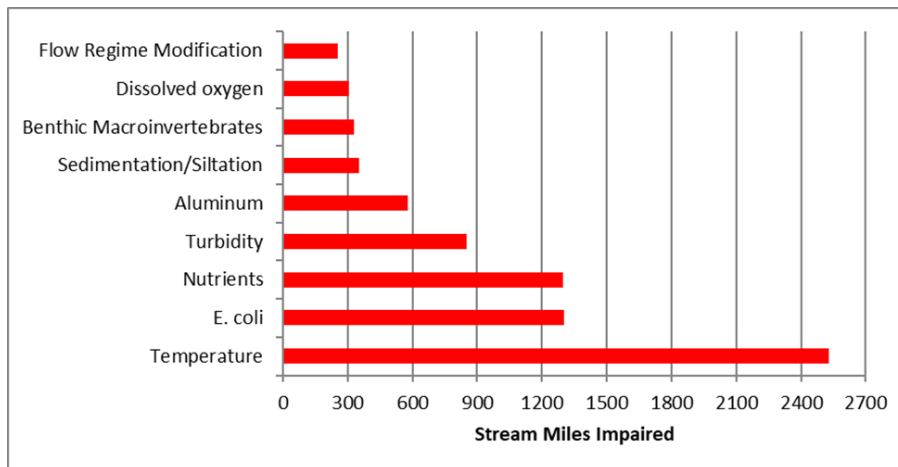


303(d) Statistics: Top Causes of Impairment in Streams/Rivers

2024 IR:



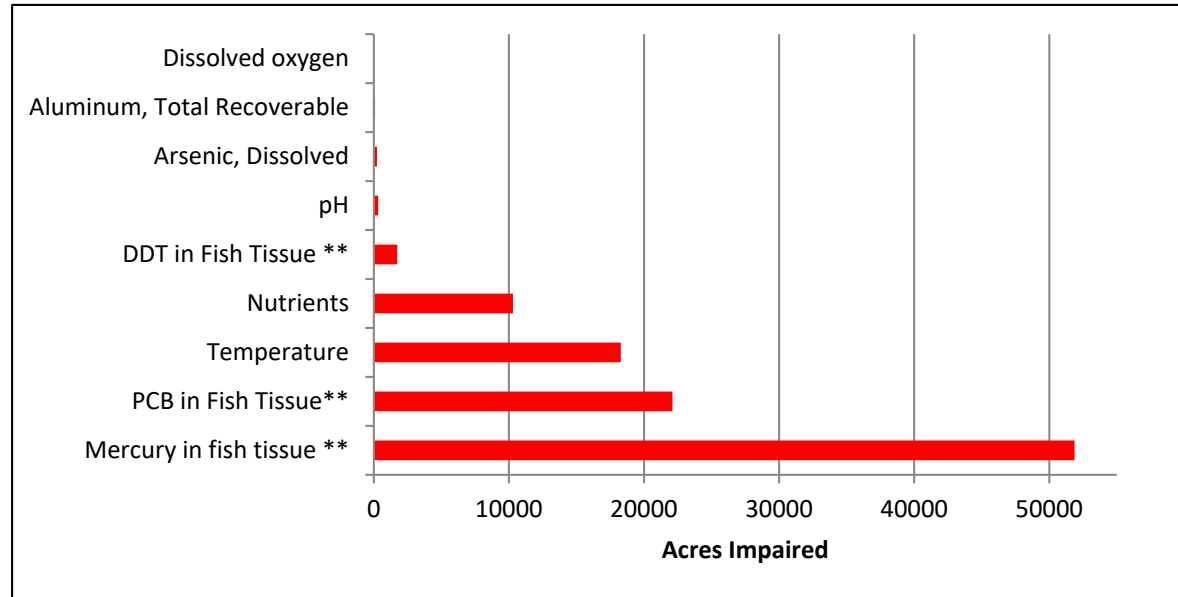
2022 IR:



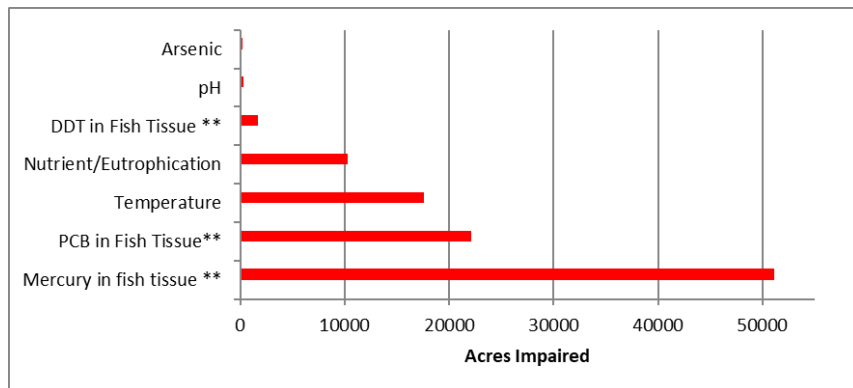


303(d) Statistics: Top Causes of Impairment in Lakes/Reservoirs

2024 IR:



2022 IR:



** Based on collaborative between NMED, NM Dept of Health, and NM Dept of Game and Fish

Fish Consumption Advisories

(<https://www.env.nm.gov/surface-water-quality/fish-consumption-advisories/>)



Final Draft Documents Posted

- Final draft version of the Integrated List (Appendix A), Response to Comments (Appendix C), and supporting documents provided to the WQCC administrator and posted to the NMED SWQB website on February 23rd. (<https://www.env.nm.gov/surface-water-quality/303d-305b/>)
- Availability of final documents also announced via email to commenters on February 26th.
- SWQB requests the WQCC approve and incorporate the Integrated List as proposed.



CWA Section 305(b) Report/Integrated Report

In addition to 303(d) Lists, states are required to submit Clean Water Act Section 305(b) water quality reports to EPA. The **305(b) Report** contains:

- ❑ General information on the water quality status of all waters in the State;
- ❑ An analysis of the extent to which the CWA §101(a)(2) goal of surface water quality -- protection and propagation of fish, shellfish, and wildlife and recreation in and on the water -- is being achieved;
- ❑ An overview of progress in water pollution control; and
- ❑ A description of the nature of nonpoint source pollution and programs for nonpoint source pollution control.

Given that both the 305(b) Report and the 303(d) List are due at the same time (April 1 of every even numbered year), EPA recommends that states combine them into a single "Integrated Report" even though EPA only approves the 303(d) List.

- ❑ Final draft version of the Integrated Report will be posted to the NMED SWQB website on April 1st. (<https://www.env.nm.gov/surface-water-quality/303d-305b/>)



Next Steps

WQCC approval of the Integrated List



NMED submits WQCC-approved Integrated List and associated 305(b) Report (collectively “Integrated Report”) to EPA Region 6 electronically via EPA’s ATTAINs database



EPA determines whether the Integrated List (Appendix A of Integrated Report) meets the requirements of CWA section 303(d)



Final EPA-approved Integrated Report is posted on NMED website



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