



REGION 6

DALLAS, TX 75270

April 10, 2025

TRANSMITTED VIA EMAIL

Shelly Lemon
Chief, Surface Water Quality Bureau
New Mexico Environment Department
1190 Saint Francis Drive, Suite N4050
Santa Fe, New Mexico 87505
shelly.lemon@env.nm.gov

RE: Designation of Outstanding National Resource Waters in the State of New Mexico's Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC)

Dear Ms. Lemon:

I am writing in response to your letter of March 19, 2025, requesting the review and action on revisions to New Mexico's *Standards for Interstate and Intrastate Surface Waters* 20.6.4 New Mexico Administrative Code (NMAC). These revisions designating Outstanding National Resource Waters (ONRW) were submitted to the U.S. Environmental Protection Agency (EPA) as required under federal regulations at 40 CFR § 131.5. The revised water quality standards were certified by Christal Weatherly, Special Assistant Attorney General for the State of New Mexico, as having been adopted pursuant to the laws of the state of New Mexico and became effective as state law on March 15, 2025. The EPA received the submission under New Mexico Environment Department (NMED) Cabinet Secretary delegated signatory authority on March 21, 2025.

I am pleased to inform you that in today's action, the EPA is approving the results of the public Water Quality Control Commission's (Commission) hearing to designated waters in New Mexico as ONRWs within its discretionary authority pursuant to CWA § 303(c) and its implementing regulations at 40 CFR Part 131. The EPA's approval is specific to the estimated 245 miles of streams and rivers designated as Wild and Scenic Rivers or New Mexico's Special Trout Waters, as well as waters located within a state or federal park, monument, or refuge [Commission Docketed Matter 24-46(R)]. The EPA is not approving the New Mexico water quality standards for those waters or portions of waters located in Indian Country, as defined in 18 U.S.C. § 1151.

I would like to thank the Commission, the NMED and the Surface Water Quality Bureau for their commitment and hard work with citizens of New Mexico in revising the state's water quality standards to designate these waters as ONRWs.

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If you have any questions or concerns, please contact me at (214) 665-7101, or have your staff contact Jasmin Diaz-Lopez at (214) 665-2733.

Sincerely,

TROY HILL

Digitally signed by
TROY HILL
Date: 2025.04.10
13:44:26 -05'00'

Troy C. Hill, P.E.
Director
Water Division

Enclosure

cc: James C. Kenney, Cabinet Secretary (james.kenney@env.nm.gov)
Bruce Thompson, Chair, WQCC (bthomson@unm.edu)
Pamela Jones, Administrator, WQCC (pamela.jones@env.nm.gov)
Christal Weatherly, NMED Office of General Counsel (christal.weatherly@env.nm.gov)
Lynette Guevara, MASS Program Manager, SWQB, NMED (lynette.guevara@env.nm.gov)
Michael Baca, WQS Coordinator, MASS, SQWB, NMED (michael.baca1@env.nm.gov)

TECHNICAL SUPPORT DOCUMENT

EPA Action on

***New Mexico Water Quality Standards for
Interstate and Intrastate Surface Waters***

20.6.4 NMAC

Outstanding Natural Resource Waters Revisions

U.S. EPA REGION 6

WATER DIVISION

EPA Review of *New Mexico Water Quality Standards for Interstate and Intrastate Surface Waters* 20.6.4 NMAC

Summary of Proposed Revisions

The New Mexico Environment Department (NMED) submitted revisions adopted by the Water Quality Control Commission (WQCC) for the *New Mexico Standards for Interstate and Intrastate Waters* (20.6.4 in the New Mexico Administrative Code) to the EPA for review and action on March 21, 2025. These revisions are specific to 20.6.4 NMAC, Section 9 Outstanding National Resource Waters. The WQCC adopted these new Outstanding National Resource Waters (ONRW) based on criteria found at 20.6.4.9.B(1) NMAC, which states “the water is a significant attribute of a state special trout water, national or state park, national or state monument, national or state wildlife refuge or designated wilderness area, or is part of a designated wild river under the federal *Wild and Scenic Rivers Act*.”

After completion of a public participation process, the WQCC adopted the following language in the *New Mexico Standards for Interstate and Intrastate Waters* on March 15, 2025.

TITLE 20 ENVIRONMENTAL PROTECTION CHAPTER 6 WATER QUALITY PART 1 STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS

20.6.4.9 OUTSTANDING NATIONAL RESOURCE WATERS:

D. Waters classified as ONRWs: The following waters are classified as ONRWs:

(8) The following waters located within a national or state park, national or state monument, or national or state wildlife refuge:

(a) in the Valles Caldera national preserve: La Jara creek, Sulphur creek, San Luis creek, Jaramillo creek, and Rito de los Indios;

(b) in the Bandelier national monument: Rito de los Frijoles, Lummis canyon, Alamo canyon, Capulin creek, and Medio creek;

(c) in the Cimarron canyon state park: Cimarron river;

(d) in the Pecos national historical park: Pecos river;

(e) in the Rio Grande del Norte national monument: Rio San Antonio.

(9) The following waters located within a designated wilderness area: in the Columbine – Hondo wilderness areas: Columbine creek, Deer creek, Placer fork, Willow fork, Goose creek, Bear creek, Long canyon, Gavilan canyon, Italianos creek, Yerba creek, Manzanita creek, Gallina creek, Lobo creek, San Cristobal creek, and Lama canyon.

(10) The following wild rivers as designated by the federal Wild and Scenic Rivers Act:

(a) Rio Chama from the US forest service boundary to confluence with the Rio Nutrias;

(b) Red River from the confluence with the Rio Grande to four miles upstream.

(11) The following state special trout waters not already included in Paragraphs 8 through 10 of this Subsection:

(a) in the Edward Sargent wildlife management area: Rio Chamita, Nabor creek, Sixto creek, and Rio Chama;

(b) Rio Chama from Heron Reservoir outlet to Cottonwood flats;

(c) Rio de los Pinos from United States forest service road 87A to private land 2.5 miles upstream, Tanques creek, Canada Tio Grande;

(d) Cabresto creek from United States forest service boundary to headwaters, Frijoles creek, Palociento creek, and West Fork Luna creek;

(e) Rio Cebolla from Seven Springs day use area to its headwaters, Rio Gaudalupe from the confluence with Deer creek upstream to confluence with Stable creek;

(f) Capulin creek from the Dome wilderness boundary to headwaters.

EPA Determination:

The additions to 20.6.4.9 D NMAC specify the national or state park, designated wilderness areas, wild rivers as designated by the federal *Wild and Scenic Rivers Act*, and portions of waters identified as special trout waters. Additionally, NMED provided detailed mapping of the newly adopted ONRWs in *Attachment 1- 2024 ONRW Designation Nominations* of their submission (Figures 1-14)¹ and added a Geographic Information System (GIS) layer for ONRWs to the NMED's OpenEnviroMap (OEM)². Additionally, several of the newly adopted ONRWs connect with existing ONRWs or are within close proximity.

The Water Quality Control Commission may designate any waters in the State of New Mexico as ONRWs. The EPA has previously specified that states have discretion in making such designations 63 FR 36742, 36786 (1998). The Commission may designate waters as ONRWs, but the protections afforded these waters depends on the implementation outlined in the State's antidegradation policy and Continuing Planning Process (CPP). The EPA approves the new water quality standards contained in New Mexico's amendments to 20.6.4.9 NMAC as consistent with the requirements of the CWA and the EPA's implementing regulation at 40 CFR 131.12(a)(3).

¹ <https://www.env.nm.gov/surface-water-quality/2024onrw/>

² <https://gis.web.env.nm.gov/oem/?map=swqwb>