March 8, 2023

Conrad Valencia
Assistant Manager for Engineering
U.S. Department of Energy
National Nuclear Security Administration ("NNSA")
Sandia Field Office
P.O. Box 5400
Albuquerque, NM 87185
Via email to conrad.valencia@nnsa.doe.gov

RE: NMED Approval of Revised Work Plan for Sandia National Laboratories' Tijeras Arroyo Use Attainability Analysis

Dear Conrad Valencia,

On January 31, 2023, the New Mexico Environment Department ("NMED" or "Department") Surface Water Quality Bureau ("SWQB") received a revised Work Plan, dated January 19, 2023, for conducting a Use Attainability Analysis ("UAA"), prepared by Sandia National Laboratories, U.S. Department of Energy, National Nuclear Security Administration ("SNL"). In the revised Work Plan, SNL addresses NMED and EPA's written comments on the draft Demonstration, dated September 21, 2021. SNL identifies that natural, low-flow conditions prevent the attainment of the designated recreational and aquatic life uses of Tijeras Arroyo from the Rio Grande to the Four Hills bridge in Albuquerque, New Mexico (Assessment Unit NM-9000.A_070), and describes the reasoning and process for conducting a recreational contact and aquatic life UAA based on natural, low-flow conditions. As supporting documentation for the UAA, SNL describes using the SWQB's Hydrology Protocol survey methodology in accordance with 20.6.4.15(B)(2) New Mexico Administrative Code ("NMAC") and 20.6.4.15(E) NMAC.

NMED SWQB hereby approves the Work Plan as submitted on January 31, 2023, with the following revisions:

- all references to 20.6.4.15 NMAC should reflect the *Standards for Interstate and Intrastate Surface Waters* 20.6.4.15 NMAC, effective for state purposes on September 24, 2022 (https://www.env.nm.gov/surface-water-quality/wp-content/uploads/sites/18/2022/11/2022-09-24-SRCA-NMAC_Integrated_Rule.pdf), and
- the citation to 2.6.2.4 NMAC, *Ground and Surface Water Protection* should read 20.6.2 NMAC, *Ground and Surface Water Protection*.

In the event SNL needs to deviate from this approved Work Plan, SNL shall consult with the SWQB to determine the appropriate course of action. The Water Quality Control Commission ("WQCC") must approve proposed amendments to 20.6.4 NMAC through a rulemaking proceeding consistent with the State Rules Act [New Mexico Statue Annotated ("NMSA") 1978, 14-4] and WQCC Regulations (20.1.6 NMAC), among others.

The Department reserves the right to bring forth additional findings as appropriate. If you have any questions regarding these comments or the process, please contact Miguel Montoya by email at miguel.montoya@env.nm.gov or by phone at 505-819-9882.

Sincerely,

Shelly Lemon Digitally signed by Shelly Lemon
Date: 2023.03.08 17:56:08 -07'00'

Shelly Lemon, Chief
Surface Water Quality Bureau

Cc: David Stuhan, Sandia National Laboratory (dstuhan@sandia.gov)
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