EPA APPROVED

Withdrawal of the Total Maximum Daily Load for Chronic Dissolved Aluminum on Rio Chamita

NEW MEXICO ENVIRONMENT DEPARTMENT
SURFACE WATER QUALITY BUREAU

April 27, 2018

Prepared by

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For additional information please visit:

https://www.env.nm.gov/surface-water-quality/

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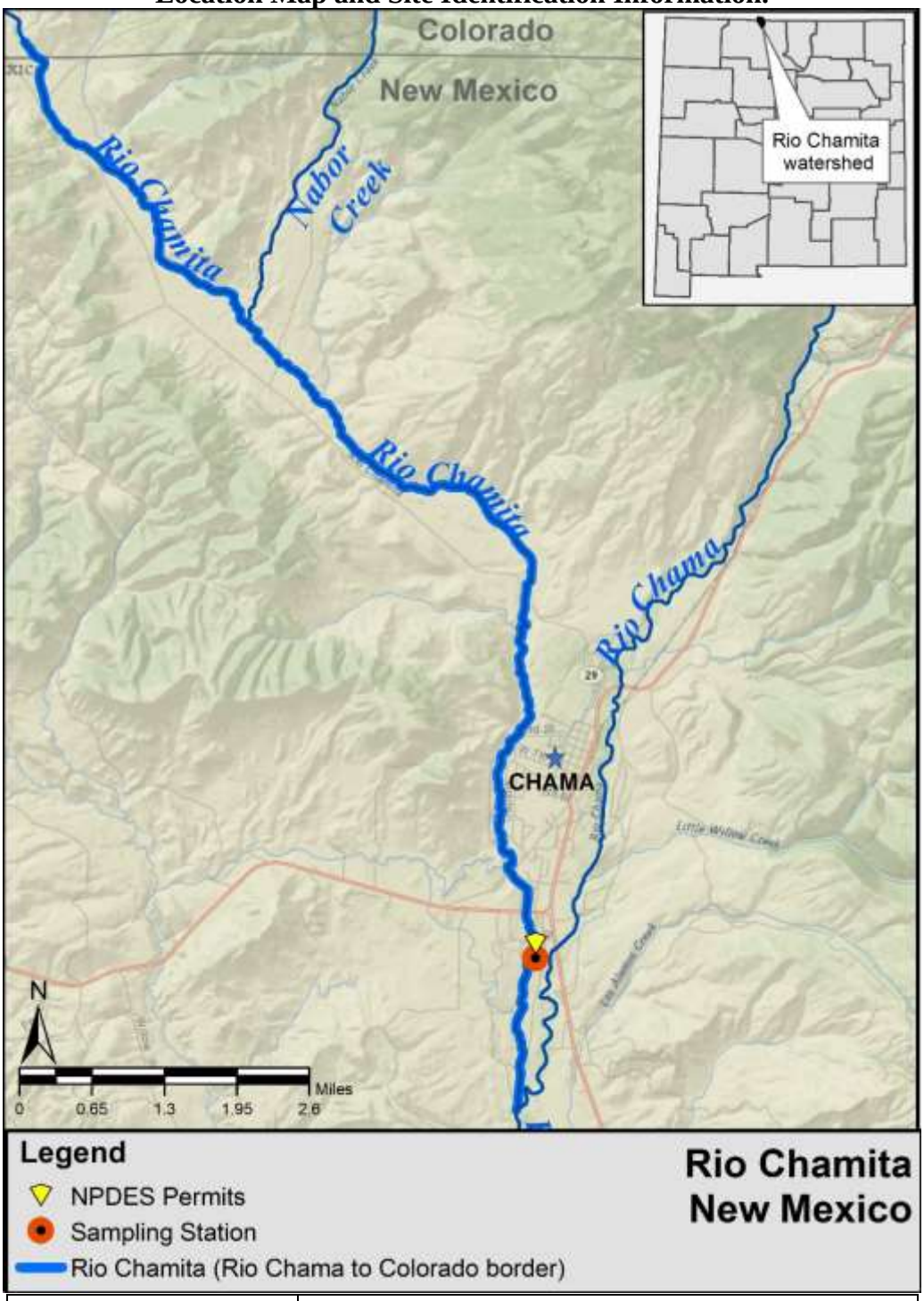
Location Map and Site Identification Information.



Assessment Unit and ID	NM-2116.A_110 Rio Chamita (Rio Chama to Colorado border)
Sampling Station and ID	29RChami002.7 Rio Chamita below Chama WWTP outfall.
Assessment Unit Length	12.9 Miles
NPDES Permit and ID	Village of Chama Waste Water Treatment Plant outfall_001 NM0027731

Summary

The New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) requests the withdrawal of the 2003 Rio Chamita (Rio Chama to Colorado Border) Dissolved Aluminum Total Maximum Daily Load (TMDL) from the New Mexico Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP).

The request for the withdrawal is due to two factors:

1. The adoption by the New Mexico Water Quality Control Commission (WQCC), and subsequent approval by the United States Environmental Protection Agency (USEPA) of a hardness-dependent standard for total recoverable aluminum in place of the former standard for dissolved aluminum into New Mexico's *Standards for Interstate and Intrastate Surface Waters* (20.6.4 NMAC).

2. The availability of recent survey data which allowed for an assessment under the new hardness-dependent total recoverable aluminum standard.

Background

Rio Chamita (Rio Chama to Colorado Border), Assessment Unit (AU) NM-2603.A-10, has historically been impaired for chronic dissolved aluminum (chronic Al). Samples taken within this AU initially identified exceedences for chronic Al in 1998. The AU was then listed as impaired on the 2000-2002 Clean Water Act (CWA) §303(d)/§305(b) Integrated List & Report.

In 2003, the TMDL for the Upper Rio Chama Watershed (El Vado Reservoir to Colorado Border) was created. This TMDL included the Rio Chamita (Rio Chama to Colorado Border) AU and a designated a waste load allocation (WLA) within this AU was assigned to the Village of Chama Waste Water Treatment Plant outfall_001, National Pollutant Discharge Elimination System (NPDES) permit NM0027731. This TMDL was approved by the New Mexico Water Quality Control Commission (WQCC) and the U.S. Environmental Protection Agency (USEPA) in 2004.

During the 2009-2010 triennial review of standards for interstate and intrastate surface waters, SWQB proposed to replace the dissolved aluminum Water Quality Criteria, within the aquatic life standard, for that of hardness-dependent total recoverable aluminum criteria for surface waters with pH > 6.5. This new proposed criteria, was then approved by the WQCC on October 14, 2010, and USEPA approved it on June 18, 2012.

The total recoverable aluminum samples collected during the 2012 Upper Rio Chama water quality survey did not exceed the new hardness-dependent total recoverable aluminum criteria in the Rio Chamita (Rio Chama to Colorado Border) AU. Subsequently, the Rio Chamita was fully supporting its listed aquatic life use in the 2014-2016 CWA §303(d)/§305(b) Integrated List.

Requirements and Guidance for TMDL Withdrawal

Both USEPA guidance and the New Mexico WQMP/CPP provide for the withdrawal of

TMDLs. The March 22, 2012 USEPA guidance titled "Consideration for Revising and Withdrawing TMDLs" states the following:

"In some circumstances, however, a State may want to withdraw a TMDL to reduce any confusion for permit writers or stakeholders, but it is at the State's discretion. At least three scenarios could prompt a desire for TMDL withdrawal: ...

3. EPA approves a State's revised water quality criteria or water quality standard leading to a determination that the water body is no longer impaired. Under the circumstances implementation of the WLA in the TMDL based on the old criteria may lead to permit effluent limits more stringent than necessary under the new criteria. When withdrawing such TMDLs, States should notify EPA and provide public notice of the withdrawal. One option would be for the withdrawal to occur at the same time the State establishes its next 303(d) list. However, if the water body remains impaired under the new water quality standard, the TMDL should remain in place. The State may withdraw the TMDL if it chooses to develop a TMDL revision and EPA approves the revised TMDL; however, it is not necessary to withdraw the TMDL.

Section IV-C of the 2011 New Mexico WQMP/CPP states the following:

"TMDLs may be revised as necessary…based on changes to water quality standards or other factors influencing the TMDL calculation or distribution between the WLA and LA in the TMDL. TMDLs may be removed from the WQMP with WQCC approval if the waterbody is no longer impaired."

The situation for the Rio Chamita (Rio Chama to CO border) dissolved aluminum TMDL is consistent with the scenario for withdrawal outlined in the USEPA guidance described above as well as the provision for withdrawal provided in the New Mexico WQMP/CPP.

Public Participation

Table XIV-1 in the New Mexico WQMP requires a 30-day public comment period and a public meeting in the affected watershed for all TMDL processes (NMED 2011). The 30-day public comment period is open from November 20, 2017 and closed on December 22, 2017. A public meeting was held on December 13, 2017 from 3:00-5:00 p.m. at the Chama Village Hall, 299 West 4th Street, Chama, New Mexico 87520. No public comments were received. SWQB received WQCC approval of the Rio Chamita (Rio Chama to CO border) TMDL withdrawal proposal at its regular meeting on March 13, 2018. Upon approval by the WQCC, the proposal will be forwarded to USEPA Region 6 Offices in Dallas, Texas for final review and approval.

Conclusions

The new hardness-dependent standard for total recoverable aluminum replaced the previous standard for dissolved aluminum. In the case of Rio Chamita, the 2012 total recoverable data for aluminum were assessed and did not exceed the new hardness-dependent total recoverable aluminum standard. Based on the current standard and the survey data indicating full support for aluminum, the 2004 Rio Chamita (Rio Chama to CO border) Chronic Dissolved Aluminum TMDL should be withdrawn.

References

New Mexico Administrative Code (NMAC), 2017. State of New Mexico Standards for Interstate and Intrastate Surface Waters. New Mexico Water Quality Control Commission. As amended through March 02, 2017. (20.6.4 NMAC)
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United States Environmental Protection Agency (USEPA). 2012. Consideration for Revising and Withdrawing TMDLs.
Available at: https://www.epa.gov/tmdl/draft-considerations-revising-and-withdrawing-tmdls

APPENDIX A

PUBLIC COMMENTS

They were no public comments submitted for the “Withdrawal of the Total Maximum Daily Load for Chronic Dissolved Aluminum on Rio Chamita.”

SWQB staff revisions for the final document were only minor edits.