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**STATE OF NEW MEXICO
STATEWIDE WATER QUALITY MANAGEMENT PLAN**



**NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

P.O. Box 26110
Santa Fe, New Mexico 87502

December 20, 2001

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1	List of Acronyms and Abbreviations in this Plan
2	
3	BPJBest Professional Judgment
4	CFRCode of Federal Regulations
5	CPPNew Mexico Continuing Planning Process
6	CWAFederal Clean Water Act (33 U.S.C. 1251 <i>et seq.</i>)
7	CWNSClean Water Needs Survey
8	CWSRFNew Mexico’s Clean Water State Revolving Fund
9	DMADesignated Management Agency
10	LALoad Allocation
11	MOSMargin of Safety
12	MOUMemorandum of Understanding
13	NMACNew Mexico Administrative Code
14	NMEDNew Mexico Environment Department
15	NMOCDNew Mexico Oil Conservation Division
16	NMWQANew Mexico Water Quality Act (Chapter 74, Article 6 NMSA)
17	NPDESNational Pollutant Discharge Elimination System
18	NPSNonpoint Source(s) of Pollution
19	NPSMPNonpoint Source Management Program
20	POTWsPublicly Owned Treatment Works
21	SRFNew Mexico’s Clean Water State Revolving Fund
22	TMDLTotal Maximum Daily Load
23	USEPAUnited States Environmental Protection Agency
24	WLAWaste Load Allocation
25	WQBELWater Quality Based Effluent Limit
26	WQCCNew Mexico Water Quality Control Commission
27	WQMPWater Quality Management Plan
28	

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List of Documents Included in this Plan by Reference

[New Mexico Water Quality Standards for Interstate and Intrastate Surface Waters \[20.6.4 NMAC\]](#)

All TMDL documents individually listed in Work Element 1 of the Water Quality Management Plan

Clean Water Needs Survey

[Memorandum of Understanding Between the U.S. Environmental Protection Agency Region 6 and the New Mexico Environment Department](#)

[New Mexico Continuing Planning Process](#)

[New Mexico Ground and Surface Water Protection Regulations \[20.6.2 NMAC\]](#)

[New Mexico Nonpoint Source Management Plan](#)

[Priority Rating System for Point Source, Non-Point Source and Brownfields Redevelopment Projects](#)

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1 **Introduction**

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This 2001 update of the New Mexico Water Quality Management Plan (WQMP) represents a substantial change in format from previous updates. It has been over a decade since the WQMP was extensively updated. During that time, many of the preexisting management priorities and strategies have become outdated. In order to maintain the usefulness of this document into the future, documents that relate to required components of the WQMP (stipulated in 40 CFR 130.6(c)) have been incorporated by reference. Documents incorporated by reference may later be revised, after public notice and participation appropriate to each document. Such revised documents are considered to be incorporated herein by reference. Documents requiring approval by the U.S. Environmental Protection Agency (EPA) are considered incorporated after USEPA approval of the revised document. Accordingly, as referenced documents (e.g., Nonpoint Source Management Program, Continuing Planning Process) are updated, the WQMP is effectively updated. This approach is in keeping with current USEPA regulations found at 40 CFR 130.6(c).

While there are still some stand-alone elements contained in the WQMP, this format will enable the reader to use this document as an index to a wide variety of water quality documents, thus making it more “user friendly.” Copies of this document and all incorporated references will be available on the New Mexico Environment Department’s website <http://www.nmenv.state.nm.us> or in printed version from the Environment Department.

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1 Work Element 1 – Total Maximum Daily Loads (TMDLs)

2 (Revised: [month/year])

4 Requirements for Work Element 1

5
6 Regulation 40 CFR 130.6(c)(1) requires: *TMDLs in accordance with sections 303(d) and*
7 *(e)(3)(C) of the Act and Sec. 130.7 of this part.*
8

9 Background

10
11 TMDLs are a required component of the WQMP. However, according to federal regulations (40
12 CFR 130.6(c)), a plan element may be “referenced as part of the WQM plan if contained in
13 separate documents.” The process for development of TMDLs and individual water quality-
14 based effluent limitations is contained in [State of New Mexico Continuing Planning Process, July](#)
15 [1998](#). As TMDLs are developed and approved, they are incorporated into the water quality
16 management plan and used as the basis for implementation of water pollution control activities.
17

18 A Total Maximum Daily Load (TMDL) can be best described as a watershed or basin-wide
19 budget for pollutant influx to a watercourse. TMDLs may also be established for a portion or
20 segment of a watershed. A TMDL, in actuality, is a planning document. The "allowable budget"
21 is first determined by scientific study of a stream to determine the amount of pollutants that can
22 be assimilated without causing the stream to exceed water quality standards set to protect the
23 stream's designated uses (e.g., fishery, irrigation, etc.). Once this capacity is determined, sources
24 of pollutants are considered.
25

26 Both point and nonpoint pollutant sources must be included. Once all sources are accounted for,
27 pollutants are then allocated or budgeted among sources in a manner that describes the amount
28 (the total maximum load) that can be assimilated into the river without causing the stream
29 standard or "budget" to be exceeded. Nonpoint sources are grouped into a "load allocation" (LA)
30 and point sources are grouped into a "wasteload allocation" (WLA). By federal regulation, the
31 budget must also include a "margin of safety" (MOS). TMDLs can also be described by the
32 following equation:
33

$$34 \text{ TMDL} = \text{LA} + \text{WLA} + \text{MOS}$$

35
36 Implementation of TMDLs is described in the “Process for Establishing and Assuring
37 Implementation of Water Quality Standards” section of the [State of New Mexico Continuing](#)
38 [Planning Process, July 1998](#). In summary, WLA allocations are implemented through the
39 National Pollutant Discharge Elimination System (NPDES) permit program for point source
40 discharges and the LA is implemented through the voluntary NM Nonpoint Source Management
41 Program.
42

43 In 1996 two groups, Forest Guardians and Southwest Environmental Center, jointly filed a
44 lawsuit against the USEPA alleging that adequate TMDLs had not been developed by the State

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1 as required under § 303 of the CWA. The State of New Mexico was not a litigant in this suit. In
2 1997 USEPA and plaintiffs negotiated a consent decree and settlement agreement avoiding
3 formal litigation. The [consent decree](#) and the settlement agreement combined set forth a 20-year
4 schedule to address TMDLs for many stream segments in the State. The USEPA and the New
5 Mexico Environment Department have signed a [Memorandum of Understanding](#) outlining tasks
6 the State will complete to meet the terms of the settlement.

7
8 TMDLs are “living documents” in that they should be periodically reviewed and updated as
9 conditions and data change. The Environment Department Surface Water Quality Bureau has
10 implemented a [watershed based water quality monitoring strategy](#) to continually gather new data.
11 Currently, § 303 of the CWA requires states to review and update their “§ 303(d)” lists of
12 impaired waters every two years. CWA § 303(d) further requires the development of a TMDL
13 for a “§ 303(d)” listed water.

14
15 The following is a list of TMDLs adopted by the WQCC
16

17 **Canadian Basin TMDLs**

18 **TMDLs Completed in 1999**

19
20 The document entitled: [Total Maximum Daily Load for Turbidity, Stream Bottom](#)
21 [Deposits, and Total Phosphorus in the Canadian River Basin \(Cimarron\)](#) adopted
22 by the [WQCC August 10, 1999](#) and approved by [EPA September 30, 1999](#)
23 includes the following TMDLs:

24
25 •Six-Mile Creek the inflow to Eagle Nest Lake to headwaters CR2-40000
26 (Canadian River Basin 2306) 6.6 miles for turbidity.

27
28 •Moreno Creek from the inflow to Eagle Nest Lake to the headwaters
29 CR2-30000 (Canadian River Basin 2306) 14.4 miles for turbidity.

30
31 •Cieneguilla Creek from the inflow to Eagle Nest Lake to the headwaters
32 CR2-50000 (Canadian River Basin 2306) 13.6 miles for turbidity and
33 stream bottom deposits.

34
35 •North Ponil Creek from the confluence with South Ponil Creek to the
36 mouth of McCrystal Creek CR2-10400 (Canadian River Basin 2306) 17.6
37 miles for turbidity, stream bottom deposits, and total phosphorus.

38
39 The document entitled: [Total Maximum Daily Load for Six-Mile Creek,](#)
40 [Cieneguilla Creek, and Moreno Creeks – Cimarron Basin - Fecal Coliform](#)
41 adopted by the [WQCC November 9, 1999](#) and approved by [EPA December 17,](#)
42 [1999](#) includes the following TMDLs:
43

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1 •Six-Mile Creek the inflow to Eagle Nest Lake to headwaters CR2-40000
2 (Canadian River Basin 2306) 6.6 miles for fecal coliform.

3
4 •Moreno Creek from the inflow to Eagle Nest Lake to the headwaters
5 CR2-30000 (Canadian River Basin 2306) 14.4 miles for fecal coliform.

6
7 •Cieneguilla Creek from the inflow to Eagle Nest Lake to the headwaters
8 CR2-50000 (Canadian River Basin 2306) 13.6 miles for fecal coliform.

9
10 The document entitled: [*Total Maximum Daily Load For Temperature On North*](#)
11 [*Ponil Creek Canadian River Basin \(Cimarron\)*](#) adopted by the [WQCC November](#)
12 [9, 1999](#) and approved by [EPA December 17, 1999](#) includes the following TMDL:

13
14 •North Ponil Creek from the confluence with South Ponil Creek to the
15 mouth of McCrystal Creek CR2-10400 (Canadian River Basin 2306) 10
16 miles for temperature.
17

18 **TMDLs Completed in 2000**

19 The document entitled: [*Total Maximum Daily Load For Stream Bottom Deposits*](#)
20 [*In Rayado Creek And Metals \(Chronic Aluminum\) In The Cimarron River*](#)
21 adopted by the [WQCC December 12, 2000](#) and approved by [EPA February 16,](#)
22 [2000](#) includes the following TMDLs:

23
24 •Rayado Creek from the mouth on the Cimarron River to Miami Lake
25 diversion (CR2-10100) 16.5 miles for stream bottom deposits.

26
27 •Cimarron River from the mouth on the Canadian River to Turkey Creek
28 (CR2-10000) 35.5 miles for metals (chronic aluminum).
29

30 The document entitled: [*Total Maximum Daily Load For Metals \(Chronic*](#)
31 [*Aluminum\) In Cieneguilla Creek*](#) adopted by the [WQCC December 12, 2000](#) and
32 approved by [EPA February 16, 2001](#) includes the following TMDL:

33
34 •Cieneguilla Creek from the inflow to Eagle Nest Lake to the headwaters
35 CR2-50000 (Canadian River Basin 2306) 13.6 miles for metals (chronic
36 aluminum).
37

38 **TMDLs Completed in 2001**

39 The document entitled: [*Total Maximum Daily Load For Metals \(Chronic*](#)
40 [*Aluminum\) In Ponil Creek*](#) adopted by the [WQCC July 10, 2001](#) and approved by
41 [EPA September 27, 2001](#) includes the following TMDL:
42

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- 1 •Ponil Creek from the mouth on the Cimarron River to the confluence of
2 North Ponil and South Ponil Creeks (Canadian River, 2306) metals
3 (chronic aluminum).
4

5 The document entitled: [Total Maximum Daily Load For Temperature On Middle](#)
6 [Ponil Creek](#) adopted by the [WQCC July 10, 2001](#) and approved by [EPA](#)
7 [September 27, 2001](#) includes the following TMDL:
8

- 9 •Middle Ponil Creek from the confluence with South Ponil Creek to the
10 headwaters (Canadian River, 2306) for temperature.
11

12 The document entitled: [Total Maximum Daily Load For Temperature On Ponil](#)
13 [Creek](#) adopted by the [WQCC July 10, 2001](#) and approved by [EPA September 27,](#)
14 [2001](#) includes the following TMDL:
15

- 16 •Ponil Creek from the mouth on the Cimarron River to the confluence of
17 North Ponil and South Ponil Creeks (Canadian River, 2306) temperature.
18

19 The document entitled: [TMDL for Turbidity in Middle Ponil and Ponil Creek](#)
20 adopted by the [WQCC July 10, 2001](#) and approved by [EPA September 27, 2001](#)
21 includes the following TMDLs:
22

- 23 •Middle Ponil Creek from the confluence with South Ponil Creek to the
24 headwaters (Canadian River, 2306) for turbidity.
25

- 26 •Ponil Creek from the mouth on the Cimarron River to the confluence of
27 North Ponil and South Ponil Creeks (Canadian River, 2306) turbidity.
28

29 **Rio Grande Basin TMDLs**
30

31 **TMDLs Completed Prior to 1999¹**
32

33 *Point Source Load Allocation for the Twining Water and Sanitation District*
34 *(NPDES Permit NM0022101), Taos County, New Mexico. 1981. [Table 1-1]*
35

36 *Point Source Load Allocation for the Town of Red River (NPDES Permit*
37 *NM0024899, Taos County, New Mexico. 1982. [Table 1-2]*
38

39 *Point Source Load Allocation for the City of Grants, Cibola County, New Mexico*
40 *(NPDES Permit No. NM0020737). 1989. [Table 1-3]*
41

¹ Prior to the 2001 revision of the WQMP, TMDLs were categorized in Work Element 6 of the WQMP. TMDLs previously adopted as Work Element 6 have been “relocated” to Work Element 1. The Point Source Load Allocation tables presented herein are copied from the former Work Element 6.

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TMDLs Completed in 1999

The document entitled: [*Total Maximum Daily Load For The Rio Chamita From The Confluence Of The Rio Chama To The New Mexico - Colorado Border*](#) adopted by the [WQCC August 10, 1999](#) and approved by [EPA September 30, 1999](#) includes TMDLs for:

- total phosphorus, total ammonia, and fecal coliform.

The document entitled: [*Total Maximum Daily Load For Temperature On The Rio Chamita*](#) adopted by the [WQCC November 9, 1999](#) and approved by [EPA December 17, 1999](#) includes the TMDL for:

- Rio Chamita from mouth on the Rio Chama to New Mexico-Colorado border URG2-30500, Rio Grande 2116 12.6 miles for temperature.

The document entitled: [*Total Maximum Daily Load For Turbidity, Stream Bottom Deposits And Total Phosphorus For Cordova Creek*](#) adopted by the [WQCC November 9, 1999](#) and approved by [EPA December 17, 1999](#) includes the TMDL for:

- Cordova Creek from the mouth on Costilla to headwaters URG1-30300 (Rio Grande 2120) 3.8 miles for turbidity, stream bottom deposits, and total phosphorus.

The document entitled: [*Total Maximum Daily Load \(TMDL\) For Temperature On The Middle Rio de las Vacas*](#) adopted by the [WQCC October 12, 1999](#) and approved by [EPA December 2, 1999](#) includes the TMDLs for:

- Middle Rio de las Vacas from the confluence with the Rio Cebolla to Rito de las Palomas MRG2-20200 (Rio Grande 2106) 2 miles for temperature.

The document entitled: [*Total Maximum Daily Load For Total Phosphorus For Redondo Creek*](#) adopted by the [WQCC October 12, 1999](#) and approved by [EPA December 2, 1999](#) includes the TMDLs for:

- Redondo Creek from the mouth on Sulphur Creek to the headwaters MRG2-40100 (Rio Grande 2106) 5.2 miles for total phosphorus.

The document entitled: [*Total Maximum Daily Load For Turbidity And Stream Bottom Deposits In The Rio Grande Basin \(Jemez\)*](#) adopted by the [WQCC October 12, 1999](#) and approved by [EPA December 2, 1999](#) includes the following TMDLs:

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1 •Jemez River from Rio Guadalupe to the confluence of the East Fork of
2 the Jemez River and San Antonio Creek MRG2-20000 (Rio Grande
3 2105.5 and 2106) 6.4 miles for turbidity and stream bottom deposits .
4

5 •Rio Guadalupe from the mouth on the Jemez River to the confluence of
6 the Rio de las Vacas and Rio Cebolla MRG2-20100 (Rio Grande 2106)
7 2.4 miles for turbidity and stream bottom deposits.
8

9 **TMDLs Completed in 2000**

10 The document entitled: [*Water Quality Assessment For The Santa Fe River From*](#)
11 [*The Cochiti Pueblo To The Santa Fe Wastewater Treatment Plant For Chlorine*](#)
12 [*And Stream Bottom Deposits*](#) adopted by the [WQCC January 11, 2000](#) and
13 approved by [EPA March 20, 2000](#) includes the TMDLs for:
14

15 •Santa Fe River from the Cochiti Pueblo to the Santa Fe WWTP URG1-
16 10300 (Rio Grande 2110) 12.7 miles for chlorine and stream bottom.
17

18 The document entitled: [*Total Maximum Daily Load For The Santa Fe River For*](#)
19 [*Dissolved Oxygen and pH*](#) adopted by the [WQCC December 12, 2000](#) and
20 approved by [EPA January 11, 2001](#) includes the TMDLs for:
21

22 •Santa Fe River from the Cochiti Pueblo to the Santa Fe WWTP URG1-
23 10300 (Rio Grande 2110) 12.7 miles for dissolved oxygen and pH.
24

25 **TMDLs Completed in 2001**

26 The document entitled [*Middle Rio Grande Total Maximum Daily Load \(TMDL\)*](#)
27 [*for Fecal Coliform*](#) adopted by the [WQCC November 13, 2001](#) and approved by
28 EPA [*pending*] [*insert hyperlink to copy of EPA's approval letter*] includes the
29 TMDL for:
30

31 •Middle Rio Grande from northern border of Isleta Pueblo to the southern
32 border of the Santa Ana Pueblo, Rio Grande, 2105, 2105.1) for fecal
33 coliform bacteria.
34

35 **Gila River Basin TMDLs**

36 **TMDLs Completed in 2001**

37
38 The document entitled: [*Total Maximum Daily Load For Metals \(Chronic Aluminum\) For The*](#)
39 [*East Fork Of The Gila River And Taylor Creek*](#) adopted by the [WQCC November 13, 2001](#)
40 and approved by EPA [*pending*] [*insert hyperlink to copy of EPA's approval letter*]
41 includes the following TMDLs:
42

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1 •East Fork of the Gila River from the confluence with the west fork to
2 Taylor Creek (Gila River, 20.6.4.503) metals (aluminum).

3
4 •Taylor Creek from the confluence with the Beaver Creek to Wall Lake
5 (Gila River, 20.6.4.503) metals (aluminum).
6

7 The document entitled: [*Total Maximum Daily Load For Temperature On Taylor Creek*](#)
8 adopted by the [WQCC November 13, 2001](#) and approved by EPA [*pending*] [**insert**
9 **hyperlink to copy of EPA’s approval letter**] includes the following TMDL for:

10
11 •Taylor Creek from the confluence with the Beaver Creek to Wall Lake,
12 2.9 mi. temperature.
13

14 The document entitled: [*Total Maximum Daily Load For Temperature On Black Canyon*](#)
15 [*Creek*](#) adopted by the [WQCC November 13, 2001](#) and approved by EPA [*pending*]
16 [**insert hyperlink to copy of EPA’s approval letter**] includes the following TMDL for:

17
18 •Black Canyon Creek from the mouth on the East Fork of the Gila River
19 to the headwaters (Gila River 20.6.4.503) temperature.
20

21 The document entitled: [*Total Maximum Daily Load For Metals \(Chronic Aluminum\) For*](#)
22 [*Mogollon Creek*](#) adopted by the [WQCC November 13, 2001](#) and approved by EPA
23 [*pending*] [**insert hyperlink to copy of EPA’s approval letter**] includes the following
24 TMDL for:

25
26 •Mogollon Creek, perennial portions above the USGS gauge (Gila River
27 20.6.4.503) metals (aluminum).
28

29 The document entitled: [*Total Maximum Daily Load For Turbidity On Canyon Creek*](#)
30 adopted by the WQCC December 11, 2001 [**insert hyperlink to WQCC**
31 **minutes/approval**] and approved by EPA [*pending*] [**insert hyperlink to copy of EPA’s**
32 **approval letter**] includes the following TMDL for:

33
34 •Canyon Creek from the mouth on the Middle Fork of the Gila to the
35 headwaters, 4.5 mi. (Gila River 20.6.4.503 (turbidity)
36

37 The document entitled: [*Total Maximum Daily Load For Plant Nutrients On Canyon*](#)
38 [*Creek*](#) adopted by the WQCC December 11, 2001 [**insert hyperlink to WQCC**
39 **minutes/approval**] and approved by EPA [*pending*] [**insert hyperlink to copy of EPA’s**
40 **approval letter**] includes the following TMDL for:

41
42 •Canyon Creek from the mouth on the Middle Fork of the Gila to the
43 headwaters, 4.5 mi. (Gila River 20.6.4.503 (plant nutrients)
44

45 The document entitled: [*Total Maximum Daily Load For Turbidity On Sapiillo Creek*](#)
46 adopted by the WQCC December 11, 2001 [**insert hyperlink to WQCC**

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1 **minutes/approval]** and approved by EPA [*pending*] [**insert hyperlink to copy of EPA’s**
2 **approval letter]** includes the following TMDL for:

- 3
4 •Sapillo Creek from the mouth on the Gila River to Lake Roberts, 5.0 mi.
5 (Gila River 20.6.4.503 (turbidity))
6

7 The document entitled: *Total Maximum Daily Load For Total Organic Carbon (TOC) On*
8 *Sapillo Creek* adopted by the WQCC December 11, 2001 [**insert hyperlink to WQCC**
9 **minutes/approval]** and approved by EPA [*pending*] [**insert hyperlink to copy of EPA’s**
10 **approval letter]** includes the following TMDL for:

- 11
12 •Sapillo Creek from the mouth on the Gila River to Lake Roberts, 5.0 mi.
13 (Gila River 20.6.4.503 (total organic carbon))
14

15 **San Francisco River Basin**

16 **TMDLs Completed in 2001**

17
18 The document entitled: *Total Maximum Daily Load For Turbidity In Whitewater Creek*
19 adopted by the WQCC November 13, 2001 and approved by EPA [*pending*] [**insert**
20 **hyperlink to copy of EPA’s approval letter]** includes the following TMDL for:

- 21
22 •Whitewater Creek from the mouth on the San Francisco River to
23 Whitewater Campground (San Francisco River 20.6.4.603) turbidity.
24

25 The document entitled: *Total Maximum Daily Load For Temperature On The San*
26 *Francisco River From Centerfire Creek To The New Mexico/Arizona Border* adopted by
27 the WQCC November 13, 2001 [*pending*] [**insert hyperlink to copy of EPA’s approval**
28 **letter]** includes the following TMDL for:

- 29
30 •San Francisco from Centerfire Creek to the New Mexico-Arizona border
31 (San Francisco River 20.6.4.602) temperature.
32

33 The document entitled: *Total Maximum Daily Load For Conductivity On Centerfire*
34 *Creek* adopted by the WQCC November 13, 2001 and approved by EPA [*pending*]
35 [**insert hyperlink to copy of EPA’s approval letter]** includes the following TMDL for:

- 36
37 •Centerfire Creek from the mouth on the San Francisco River to the
38 headwaters (San Francisco River 20.6.4.603) conductivity.
39

40 The document entitled: *Total Maximum Daily Load For Temperature On The South Fork*
41 *Of Negrito Creek From The Confluence With The North Fork To The Headwaters*
42 adopted by the WQCC November 13, 2001 and approved by EPA [*pending*] [**insert**
43 **hyperlink to copy of EPA’s approval letter]** includes the following TMDL for:
44

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1 •South Fork of Negrito Creek from the confluence with the North Fork to
2 the headwaters (San Francisco River 20.6.4.603) temperature.

3
4 The document entitled: [*Total Maximum Daily Load For Conductivity On The Tularosa*](#)
5 [*River*](#) adopted by the [*WQCC November 13, 2001*](#) and approved by EPA [*pending*]
6 [*insert hyperlink to copy of EPA’s approval letter*] includes the following TMDL for:

7
8 •Tularosa River from the mouth on the San Francisco River to Apache
9 Creek (San Francisco River 20.6.4.603) conductivity.

10
11 The document entitled: [*Total Maximum Daily Load For Plant Nutrients On Centerfire*](#)
12 [*Creek*](#) adopted by the WQCC December 11, 2001 [*insert hyperlink to WQCC*
13 *minutes/approval*] and approved by EPA [*pending*] [*insert hyperlink to copy of EPA’s*
14 *approval letter*] includes the following TMDL for:

15
16 •Centerfire Creek from the mouth on the San Francisco River to the
17 headwaters, 7.1 mi. (San Francisco River Basin 20.6.4.603 (plant
18 nutrients).

19
20 The document entitled: [*Total Maximum Daily Load For Plant Nutrients On The San*](#)
21 [*Francisco River from Centerfire Creek Upstream to the New Mexico/Arizona Border*](#)
22 adopted by the WQCC December 11, 2001 [*insert hyperlink to WQCC*
23 *minutes/approval*] and approved by EPA [*pending*] [*insert hyperlink to copy of EPA’s*
24 *approval letter*] includes the following TMDL for:

25
26 •San Francisco River from Centerfire Creek upstream to the New
27 Mexico/Arizona Border, 15 mi. (San Francisco River Basin 20.6.4.602
28 (plant nutrients).

29
30 The document entitled: [*Total Maximum Daily Load For Chronic Aluminum On*](#)
31 [*Whitewater Creek*](#) adopted by the WQCC December 11, 2001 [*insert hyperlink to*
32 *WQCC minutes/approval*] and approved by EPA [*pending*] [*insert hyperlink to copy*
33 *of EPA’s approval letter*] includes the following TMDL for:

34
35 •Whitewater Creek from the mouth on the San Francisco River to
36 Whitewater Campground, 5.6 mi. (San Francisco River Basin 20.6.4.603
37 (dissolved chronic aluminum).

38 **Strategy**

- 39
40 1) The State of New Mexico will continue to develop TMDLs as specified in the CPP,
41 and following the schedule and terms established in the federal Court monitored
42 consent decree, the settlement agreement, and the MOU between the NMED and
43 the USEPA. Additionally, the state will develop TMDLs as specified in negotiated
44 Clean Water Act § 106 and § 104(b)(3) grant commitments. The State may also act
45 independently of the aforementioned agreements to adopt TMDLs as it may find
46 necessary and appropriate.

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3
4

- 2) TMDLs are considered “living documents,” and will be reviewed and revised as necessary as new water quality data are received and water quality standards are developed

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Work Element 1 Tables

Table 1-1

Point Source Load Allocation for the Twining Water and Sanitation
District (NPDES Permit No. NM0022101), Taos County, New Mexico

<u>Parameter</u>	<u>Time Interval</u>	<u>7Q10^{A/} (ft³/sec)</u>	<u>Effluent Volume (mgd)</u>	<u>Allowable Mass Load (kg/day)</u>	<u>Allowable 30-day Average Conc. (mg/l)</u>	<u>Allowable 7-day Average Conc. (mg/l)</u>
5-day biochemical oxygen demand	annual	3.3	0.095	10.8	30	45
total suspended solids	annual	3.3	0.095	10.8	30	45
fecal coliform bacteria	annual	3.3	0.095	----	500 ^{B/}	500 ^{B/}
total residual chlorine	annual	3.3	0.095	----	0.04	0.04
total ammonia nitrogen	annual	3.3	0.095	10.8	30	30
total phosphorus	January	3.3	0.095	0.36	1.0	1.0
	February	3.3	0.095	0.36	1.0	1.0
	March	3.3	0.095	0.36	1.0	1.0
	April	4.4	0.095	0.36	1.0	1.0
	May	8.9	0.095	0.72	2.0	2.0
	June	8.9	0.095	0.72	2.0	2.0
	July	6.1	0.048	0.55	3.0	3.0
	August	5.7	0.048	0.55	3.0	3.0
	September	5.0	0.019	0.36	5.0	5.0
	October	4.5	0.019	0.36	5.0	5.0
	November	3.3	0.095	0.36	1.0	1.0
	December	3.3	0.095	0.36	1.0	1.0

^{A/} The critical low flow condition in the Rio Hondo is the average low flow that persists for seven consecutive days once every ten years, on the average (7Q10).

^{B/} Units are organisms per 100 ml.

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TABLE 1-2

Point Source Load Allocation for the Town of Red River
(NPDES Permit No. NM0024899), Taos County, New Mexico

<u>Parameter</u>	<u>Time Interval</u>	<u>7Q10^{A/}</u> <u>(ft³/sec)</u>	<u>Effluent</u> <u>Volume</u> <u>(mgd)</u>	<u>Allowable</u> <u>Mass Load</u> <u>(kg/day)</u>	<u>Allowable</u> <u>30-day Average</u> <u>Conc. (mg/l)</u>	<u>Allowable</u> <u>7-day Average</u> <u>Conc. (mg/l)</u>
5-day biochemical oxygen demand	annual	5.6	0.485	55.3	30	45
total suspended solids	annual	5.6	0.485	55.3	30	45
fecal coliform bacteria	annual	5.6	0.485	----	500 ^{B/}	500 ^{B/}
total residual chlorine	annual	5.6	0.485	----	0.02	0.02
total phosphorus	January	6.1	0.388	1.5	1.0	1.0
	February	5.9	0.388	1.5	1.0	1.0
	March	5.9	0.388	1.5	1.0	1.0
	April	8.4	0.097	0.37	1.0	1.0
	May	16.3	0.097	2.8	7.5	7.5
	June	18.0	0.485	3.1	1.7	1.7
	July	12.3	0.485	2.2	1.2	1.2
	August	11.3	0.485	2.2	1.2	1.2
	September	10.7	0.097	1.8	5.0	5.0
	October	9.4	0.097	1.5	4.0	4.0
	November	7.4	0.388	1.5	1.0	1.0
	December	5.6	0.388	1.5	1.0	1.0
total ammonia nitrogen	January	6.1	0.388	44.0	30	30
	February	5.9	0.388	44.0	30	30
	March	5.9	0.388	29.4	20	20
	April	8.4	0.097	7.3	20	20
	May	16.3	0.097	11.0	30	30
	June	18.0	0.485	36.7	20	20
	July	12.3	0.485	25.7	14	14
	August	11.3	0.485	33.0	18	18
	September	10.7	0.097	11.0	30	30
	October	9.4	0.097	11.0	30	30
	November	7.4	0.388	44.0	30	30
	December	5.6	0.388	44.0	30	30

^{A/} The critical low flow condition in the Rio Hondo is the average low flow that persists for seven consecutive days once every ten years, on the average (7Q10).

^{B/} Units are organisms per 100 ml

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TABLE 1-3

Point Source Allocation for the City of Grants
(NPDES Permit No. NM 0020737), Cibola County, New Mexico.

Parameter	7Q10 ¹ (ft ³ /sec)	TMDL ² (kg/day)	Measured Back- ground (kg/day)	Allowable Mass Load (kg/day)	Allowable Average Conc. (mg/l)	Allowable Maximum Conc. (mg/l)
Total phosphorus (as P)	3.1	1.51	0.76	0.75	0.1	0.1
Total inorganic nitrogen (as N) (NH ₃ + NH ₄ + NO ₂ + NO ₃)	3.1	30.2	9.1	21.1	2.8	2.8
Total ammonia (as N)	3.1	1.89	1.14	0.75	0.15	0.15
Fecal coliform bacteria	NA	NA	NA	NA	100 ⁴	100
Total chlorine residual	NA	NA	NA	NA	0.005 ⁵	0.005
Biochemical oxygen demand (5-day)	NA	NA	NA	227 ⁶	30	NA
Total suspended solids	NA	NA	NA	227 ⁶	30	NA

¹The minimum average seven consecutive day flow which occurs with a frequency of once in ten years.

²Total maximum daily load (TMDL) = (7Q10 + WWTF design flow (3.08 ft³/sec)) X WQS X 2.447.

³WLA (waste load allocation) = TMDL - MBG (measured background).

⁴Units are 100 organisms per 100 ml.

⁵A water quality-based effluent limitation based on implementation of Section 1-102.F, Hazardous Substances, of the state's water quality standards.

⁶Loads and concentrations for BOD (5-day) and TSS are based on EPA's secondary treatment regulations (40 CFR Part 133); they are not based on water quality standards or TMDL

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1 **Work Element 2 – Effluent Limitations**

2 (Revised: [month/year])

4 **Requirements for Work Element 2**

6 Regulation 40 CFR 130.6(c)(2) requires: “[e]ffluent limitations including water quality based
7 effluent limitations and schedules.”

8 **Background**

10 The “Effluent Limitations” element is a required (40 CFR 130.6(c)) element in the WQMP.
11 However, according to the same regulation, a plan element may be “...referenced as part of the
12 WQM plan if contained in separate documents....” A plan for effluent limitations is contained in
13 *State of New Mexico [Continuing Planning Process, July 1998](#)* (CPP). An Implementation Plan is
14 also incorporated in the [NM Standards for Interstate and Intrastate Surface Waters](#)². The intent
15 of this element of the WQMP is to supplement, but not supersede, the CPP and the water quality
16 standards.

18 As specified in the CPP, the WQCC has determined that the primary mechanism for controlling
19 point source discharges to surface waters (“waters of the United States”³) in New Mexico is the
20 NPDES permit program established under § 402 of the federal CWA. The USEPA Region 6 in
21 Dallas, Texas is responsible for issuing NPDES permits in New Mexico that specify the amount
22 and concentration of contaminants that a permittee may discharge to a surface waterbody. The
23 USEPA is also responsible for the enforcement of effluent limitations stipulated by NPDES
24 permits.

26 Federal regulations, among other requirements, require NPDES permits include **technology**
27 **based effluent limitations** and other necessary effluent limitations for toxic pollutants and
28 sewage sludge⁴. The USEPA is responsible for development and promulgation of technology
29 based effluent limitations pursuant to §§ 301, 304, 306, 307, and 316 of the Clean Water Act.
30 Federally promulgated technology based effluent limitations are published by USEPA in the
31 Code of Federal Regulations⁵.

33 Federal regulations require NPDES permits must, contain **water quality based effluent limits**
34 (WQBELs)⁶ when necessary to protect applicable water quality standards for the receiving water
35 adopted in accordance with CWA § 303. Therefore, WQBELs are required where technology
36 based effluent limits are not sufficient to protect water quality standards. WQBELs may be

² 20.6.4 NMAC.

³ As defined in 40 CFR 122.2.

⁴ Refer to 40 CFR 122.44(a) and 40 CFR 122.44(b) for more detail.

⁵ The term technology based effluent limitations in this section generally refers to the “Secondary Treatment Regulation” (40 CFR 133) for publicly owned treatment works (POTWs); the “Effluent Guidelines and Standards” (40 CFR Subchapter N) for non POTWs, and/or technology based effluent limitations based upon the “best professional judgment” (BPJ) of the permit writer where appropriate. BPJ is usually considered where technology based effluent limitations have not been previously established in regulation for a particular industry.

⁶ Refer to 40 CFR 122.44(d) for more detail.

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1 calculated at the time a permit is issued by the permitting agency or WQBELs may be calculated
2 as part of a WLA in a TMDL.

3
4 Federal regulations require NPDES permits must implement (be consistent with) State adopted
5 water quality management plans⁷ (e.g., WLAs in TMDLs in Work Element 1 of this WQMP).

6
7 The WQCC is authorized under the New Mexico Water Quality Act (NMWQA) [§ 74-6-1 et seq.
8 NMSA 1978] to adopt regulations, including effluent limitations for the protection of surface
9 water quality. The WQCC has adopted regulations for protection of surface water quality
10 specifying effluent limitations under certain specified conditions. These regulations are found in
11 Subpart 2 of the [WQCC's Ground and Surface Water Protection Regulations](#)⁸. Effluent
12 limitations for discharges to surface and ground waters are adopted in accordance with all
13 requirements (e.g., public participation) specified in the NMWQA.

14
15 The WQCC has, in addition to adopting regulations specifying effluent limitations for discharges
16 to surface waters, previously adopted as part of this WQMP a strategy to control the pH of
17 discharges and the discharge of pathogens (as indicated by fecal coliform bacteria) for the
18 protection of public health and the environment.

19
20 The WQCC has adopted, and periodically revises, water quality standards for surface waters in
21 the State of New Mexico. The WQCC through the water quality standards allows, in specified
22 circumstances, schedules of compliance to be included in NPDES permits⁹. Federal regulation
23 also allows for schedules of compliance in NPDES permits under certain limitations¹⁰. Such
24 schedules of compliance will be for the purpose of providing a permittee with adequate time to
25 make treatment facility modifications necessary to comply with water quality based limitations
26 determined to be necessary to implement new or revised water quality standards.
27 Implementation of schedules of compliance should be in accordance with provisions of the
28 NPDES regulations and the water quality standards.

29
30 Where a State, such as New Mexico, is not delegated primacy for the issuance of federal permits
31 (e.g., NPDES permits) pursuant to Section 401 of the federal Clean Water Act, the State in which
32 the discharge originates is authorized to review discharges (and permits) to ensure the discharge
33 will: 1) be compatible with appropriate state law; 2) protect water quality standards adopted in
34 accordance with § 303 of the CWA; and 3) implement an effective water quality management
35 plan. In such review, or certification, the State may: 1) approve the discharge without condition;
36 2) approve the discharge subject to conditions necessary to meet one of the three aforementioned
37 criteria; 3) deny certification; or 4) waive certification. The NMWQA¹¹ assigns the
38 responsibility for certifying permits issued under the CWA to the New Mexico Environment
39 Department. The NMWQA also specifies¹² conditions where a certification shall be denied.

⁷ 40 CFR 122.44(d)(6) and 40 CFR 130.12(a)

⁸ 20.6.2 NMAC

⁹ Subsection J of 20.6.4.11 NMAC

¹⁰ 40 CFR 122.47

¹¹ § 74-6-4.E - NMSA 1978, 1993 Replacement Pamphlet

¹² § 74-6-5.E - NMSA 1978, 1993 Replacement Pamphlet

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1 **Strategy**

- 2
- 3 1) The CPP is incorporated herein by reference. Effluent limits and decisions
4 regarding effluent limits should be consistent with the CPP.
- 5
- 6 2) The NPDES permitting authority will incorporate, as appropriate, technology based
7 effluent limitations in NPDES permits in accordance with federal NPDES
8 regulations;
- 9
- 10 3) The NPDES permitting authority will review NPDES permit applications and
11 relevant water quality data to determine and include water quality based effluent
12 limits as appropriate and necessary to protect water quality standards;
- 13
- 14 4) The NPDES permitting authority will incorporate WLAs for point source
15 discharges adopted in TMDLs by the WQCC and approved by the USEPA as part
16 of this WQMP (see Work Element 1);
- 17
- 18 5) The NM Environment Department will review NPDES permit actions for purposes
19 of state certification¹³. The Environment Department will assure through
20 appropriate review and communication with the permitting authority that permit
21 requirements and effluent limitations are: compatible with appropriate state law,
22 protect water quality standards and implement the water quality management plan.
- 23
- 24 6) The Environment Department will use the effluent limitation¹⁴ of 500 fecal coliform
25 bacteria per 100 milliliters and the range 6.0- 9.0 for pH for state certifications of
26 NPDES permits except when:
- 27
- 28 a. more stringent limitations are needed to meet the antidegradation policy and
29 implementation plan of the New Mexico Water Quality Standards, (20.6.4
30 NMAC);
- 31
- 32 b. the WQCC has adopted more stringent limitation in a point source load
33 allocation.
- 34

35 In all cases, state-certified effluent limitations for fecal coliform bacteria and pH
36 shall be stringent enough so that receiving waters meet water quality standards.

37

¹³ CWA § 401 and NMWQA § 74-6-4.E.

¹⁴ Strategy number 6 was originally adopted by the WQCC in 1989 in Work Element 6. This strategy is relocated without amendment to this Work Element for continuity.

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1 **Work Element 3 – Municipal and Industrial Waste Treatment**

2 (Revised: [month/year])

4 **Requirements for Work Element 3**

6 Regulation 40 CFR 130.6(c)(3) requires:

8 *Identification of anticipated municipal and industrial waste treatment works,*
9 *including facilities for treatment of stormwater-induced combined sewer*
10 *overflows; programs to provide necessary financial arrangements for such works;*
11 *establishment of construction priorities and schedules for initiation and*
12 *completion of such treatment works including an identification of open space and*
13 *recreation opportunities from improved water quality in accordance with section*
14 *208(b)(2) (A) and (B) of the Act.*

16 **Background**

18 New Mexico’s plan for waste treatment is addressed in two documents.

20 The first document is the *Clean Water Needs Survey (CWNS)*

22 *... is required by Sections 205(a) and 516(b)(1) of the CWA. The CWNS is a*
23 *summary of the estimated capital costs for water quality projects and other*
24 *activities eligible for SRF support as authorized by the 1987 CWA Amendments.*
25 *These activities include both facilities and certain water quality program*
26 *elements. Activities include the planning, design, and construction of publicly*
27 *owned wastewater collection and treatment systems and projects controlling*
28 *CSOs, SW, and NPS pollutants. Other eligible water quality program elements*
29 *are those that involve one-time expenditures supporting the CWA goals, such as*
30 *program development and implementation. [From introduction to EPA’s “1996*
31 *Clean Water Needs Survey Report to Congress -- (EPA 832-R-97-003)]]*

33 In the past the State of New Mexico has participated in these surveys by collecting information
34 and submitting it to the EPA for inclusion in periodic (once every four years) reports Congress.
35 The 1996 Clean Water Needs Survey Report to Congress (EPA 832-R-97-003) is the most recent
36 and current version of the report.

38 The second document is the *Priority Rating System for Point Source, Nonpoint Source and*
39 *Brownfields Redevelopment Projects*. Previous priority rating systems for evaluating proposed
40 projects for CWSRF funding were limited to point source discharges. In 2000, NMED’s
41 Construction Programs Bureau, in consultation with the Surface Water Quality and Ground
42 Water Quality Bureaus, revised and prepared an update to the WQCC’s 1986 *Water Quality*
43 *Control Commission Priority Rating System for Wastewater Facility Construction Loan*
44 *Projects*. The revisions were adopted by the WQCC in a document now known as the *Water*

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1 *Quality Control Commission Priority Rating System for Point Source, Non-Point Source and*
2 *Brownfields Redevelopment Projects.*
3

4 **Strategy**

- 5
- 6 1) The 1996 CWNS is incorporated into the WQMP by reference.
- 7
- 8 2) The State of New Mexico, principally through the New Mexico Environment
9 Department, will continue to participate in future CWNS data collection efforts.
10
- 11 3) Future CWNS Reports, when finalized by EPA and sent to Congress as required by
12 law, will be automatically incorporated by reference into this element of the
13 WQMP.
14
- 15 4) The 2000 *Water Quality Control Commission Priority Rating System for Point*
16 *Source, Non-Point Source and Brownfields Redevelopment Projects* is incorporated
17 into the WQMP by reference.
18
- 19 5) Future revisions of the *Priority Rating System for Point Source, Non-Point Source*
20 *and Brownfields Redevelopment Projects* when adopted by the WQCC will be
21 automatically incorporated into this element of the WQMP by reference.
22

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1 Work Element 4 – Nonpoint Source Management and Control

2 (Revised: [month/year])

4 Requirements for Work Element 4

6 Regulation 40 CFR 130.6(c)(4) requires:

8 *(i) The [Water Quality Management] plan shall describe the regulatory and non-*
9 *regulatory programs, activities and Best Management Practices (BMPs) which*
10 *the agency has selected as the means to control nonpoint source pollution where*
11 *necessary to protect or achieve approved water uses. Economic, institutional,*
12 *and technical factors shall be considered in a continuing process of identifying*
13 *control needs and evaluating and modifying the BMPs as necessary to achieve*
14 *water quality goals.*

15 *(ii) Regulatory programs shall be identified where they are determined to be*
16 *necessary by the State to attain or maintain an approved water use or where non-*
17 *regulatory approaches are inappropriate in accomplishing that objective.*

18 *(iii) BMPs shall be identified for the nonpoint sources identified in section*
19 *208(b)(2)(F)-(K) of the Act and other nonpoint sources as follows:*

20 *(A) Residual waste. Identification of a process to control the disposition of all*
21 *residual waste in the area which could affect water quality in accordance with*
22 *section 208(b)(2)(J) of the Act.*

23 *(B) Land disposal. Identification of a process to control the disposal of*
24 *pollutants on land or in subsurface excavations to protect ground and surface*
25 *water quality in accordance with section 208(b)(2)(K) of the Act.*

26 *(C) Agricultural and silvicultural. Identification of procedures to control*
27 *agricultural and silvicultural sources of pollution in accordance with section*
28 *208(b)(2)(F) of the Act.*

29 *(D) Mines. Identification of procedures to control mine-related sources of*
30 *pollution in accordance with section 208(b)(2)(G) of the Act.*

31 *(E) Construction. Identification of procedures to control construction related*
32 *sources of pollution in accordance with section 208(b)(2)(H) of the Act.*

33 *(F) Saltwater intrusion. Identification of procedures to control saltwater*
34 *intrusion in accordance with section 208(b)(2)(I) of the Act.*

35 *(G) Urban stormwater. Identification of BMPs for urban stormwater control to*
36 *achieve water quality goals and fiscal analysis of the necessary capital and*
37 *operations and maintenance expenditures in accordance with section*
38 *208(b)(2)(A) of the Act.*

39 *(iv) The nonpoint source plan elements outlined in Sec. 130.6(c) (4)(iii)(A)(G)*
40 *of this regulation shall be the basis of water quality activities implemented*
41 *through agreements or memoranda of understanding between EPA and other*
42 *departments, agencies or instrumentalities of the United States in accordance*
43 *with section 304(k) of the Act.*

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1 **Background**

2

3 As defined in federal regulations (40 CFR 122.2), a point source is a discrete discharge of
4 pollutants, as through a pipe or similar conveyance (e.g., a ditch). A nonpoint source (NPS) is
5 essentially any source of pollutant(s) that is not a point source.

6

7 Nonpoint sources of water pollution are now widely recognized as the biggest contributors to
8 water pollution in New Mexico, as well as the nation. Principal sources of surface water NPS
9 pollution in New Mexico include erosion from rangelands, agricultural activities, construction,
10 silviculture, resource extraction, land disposal, unsurfaced roads, and recreation.

11 Hydromodification may affect attainment of designated uses by diverting water out of stream
12 channels, by impounding waters, through streambed channelization, and dredge-and-fill
13 activities. Principal known sources of NPS ground water pollution in rural and suburban areas
14 include household septic tanks, cesspools, and agricultural activities.

15

16 NPS management is a required component of the WQMP. However, according to federal
17 regulations (40 CFR 130.6(c)), a plan element may be “referenced as part of the WQM plan if
18 contained in separate documents.” New Mexico’s plan for management of NPS pollution is
19 described in the CPP under the *Process for Establishing and Assuring Implementation of Water*
20 *Quality Standards* and in [*New Mexico Nonpoint Source Management Program, October 1999*](#)
21 (NPSMP).

22

23 **Strategy**

24

25 1) Relevant portions of the CPP and the *New Mexico Nonpoint Source Management*
26 *Program, October 1999* are incorporated into the WQMP by reference.

27

28 2) Future CPP revisions, when adopted by the WQCC and approved by the EPA as
29 required by law, will be automatically incorporated by reference into this element of
30 the WQMP.

31

32 3) Future revisions to the *New Mexico Nonpoint Source Management Program* will be
33 automatically incorporated by reference into this element of the WQMP upon their
34 approval by USEPA.

35

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1 **Work Element 5 – Management Agencies**

2 (Revised: [month/year])

4 **Requirements for Work Element 5**

6 Regulation 40 CFR 130.6(c)(5) requires:

7
8 *[i]dentification of agencies necessary to carry out the plan and provision for*
9 *adequate authority for intergovernmental cooperation in accordance with*
10 *sections 208(b)(2)(D) and 303(e)(3)(E) of the Act. Management agencies must*
11 *demonstrate the legal, institutional, managerial and financial capability and*
12 *specific activities necessary to carry out their responsibilities in accordance with*
13 *section 208(c)(2)(A) through (I) of the Act.*
14

15 **Introduction**

16
17 Prior to the 2001 revision of the WQMP, Management Agencies were addressed in Work
18 Element 13 of the WQMP. Management agencies previously designated in Work Element 13
19 have been “relocated” to Work Element 5.
20

21 **I. -- Wastewater Management**

22 **Background**

23
24 Under § 208 of the Federal Clean Water Act, water quality management plans are to include
25 identification of agencies necessary to implement the Plan and provision for adequate authority
26 for intergovernmental cooperation. Designated Management Agencies (DMAs) must
27 demonstrate legal, institutional, managerial, and financial capability, and specific activities
28 necessary to carry out their responsibilities. As specified at 40 CFR 130.12(b), CWA Section
29 201 funding can only be awarded to DMAs that are in conformance with the statewide WQMP.
30 Accordingly, 84 municipalities (including Los Alamos County), 2 counties, 11 sanitation or
31 water and sanitation districts, 4 state agencies, and 2 Native American tribal entities have been
32 designated wastewater management agencies. One of the two Native American Tribal entities,
33 the Navajo Tribal Utility Authority, has been designated as an interim wastewater management
34 agency.
35

36 The WQCC has the responsibility for designating management agencies. Under federal
37 regulations¹⁵, management agency designations must be certified by the Governor, and the EPA
38 Administrator shall accept such designations unless he/she finds that the designated management
39 agencies do not have adequate specified authorities required in § 208 (c)(2).
40

¹⁵ 40 CFR 130.6(e)

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1 The Governor certified the designation of 97 wastewater management agencies in 1980. Other
2 additional management agencies were certified in September 1983, August 1984, October 1985,
3 April 1999, and May 2001. A total of 103 wastewater management agencies have been
4 designated.

5
6 Incorporated municipalities, counties, and sanitation and water and sanitation districts have the
7 necessary authorities under state law to satisfy the requirements of Section 208(c)(2) of the
8 CWA. State law provides the designated State agencies with the necessary authority to design,
9 construct, operate, and maintain wastewater treatment plants and to accept and utilize State
10 and/or Federal funds for these purposes.

11
12 The Navajo Tribal Authority has been delegated the necessary authority by the Navajo Tribal
13 Council to satisfy the requirements of Section 208(c)(2) of the CWA. The Navajo water
14 Commission, the agency responsible for Section 208 planning on the Navajo Reservation, has
15 determined that the Authority should be an interim management agency with the designation to
16 be reviewed annually.

17
18 The Pueblo of Pojoaque is a Federally recognized Indian tribal entity and has adequate authority
19 over facilities under its jurisdiction to serve appropriately as a wastewater management agency.
20

21 Designated wastewater management agencies are listed in the following tables. Each agency that
22 has accepted this designation shall be responsible for wastewater management in its facility
23 planning area and shall, if the agency satisfies applicable Federal regulations, be able to receive
24 Section 201 construction grants funding.
25

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Designated Management Agencies for Wastewater Management

1
2

INCORPORATED MUNICIPALITIES	Accepted	Rejected
Agency Designated		
Alamogordo	X	
Albuquerque	X	
Artesia	X	
Aztec	X	
Bayard	X	
Belen	X	
Bernalillo	X	
Bloomfield	X	
Capitan	X	
Carlsbad	X	
Carrizozo	X	
Causey	X	
Chama	X	
Cimarron	X	
Clayton	X	
Cloudcroft	X	
Clovis	X	
Columbus	X	
Corona	X	
Cuba	X	
Deming	X	
Des Moines	X	
Dexter	X	
Dora	X	
Eagle Nest	X	
Elida	X	
Encino	X	
Espanola	X	
Estancia	X	
Eunice	X	
Farmington	X	
Floyd	X	
Folsom	X	
Fort Sumner	X	
Gallup	X	
Grady	X	
Grants	X	
Grenville		X
Hagerman	X	

INCORPORATED MUNICIPALITIES	Accepted	Rejected
Agency Designated		
Hatch	X	
Hobbs	X	
Hope		X
House	X	
Jal	X	
Jemez Springs	X	
Lake Arthur	X	
Las Cruces	X	
Las Vegas	X	
Logan	X	
Lordsburg	X	
Los Alamos County	X	
Los Lunas	X	
Loving	X	
Lovington	X	
Magdalena	X	
Maxwell	X	
Melrose	X	
Moriarity	X	
Mosquero	X	
Mountainair	X	
Pecos	X	
Portales	X	
Questa	X	
Raton	X	
Red River	X	
Reserve	X	
Rio Rancho	X	
Roswell	X	
Roy	X	
Ruidoso	X	
San Jon	X	
San Ysidro	X	
Santa Fe	X	
Santa Rosa	X	
Silver City	X	
Socorro	X	
Springer	X	
Sunland Park	X	

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INCORPORATED MUNICIPALITIES	Accepted	Rejected
Agency Designated		
Taos	X	
Tatum	X	
Texico	X	
Truth or Consequences	X	
Tucumcari	X	
Tularosa	X	
Vaughn	X	
Virden		X
Wagon Mound	X	
Willard		X

COUNTIES	Accepted	Rejected
Agency Designated		
Valencia	X	
Dona Ana	X	

SANITATION DISTRICTS / WATER & SANITATION DISTRICTS	Accepted	Rejected
Agency Designated		
Alpine Village Sanitation District	X	
Anthony Sanitation District	X	
Bluewater Water & Sanitation District		X
El Valle de los Ranchos Water & Sanitation District	X	
Lakeshore City Sanitation District	X	
Pena Blanca Water & Sanitation District	X	

SANITATION DISTRICTS / WATER & SANITATION DISTRICTS	Accepted	Rejected
Agency Designated		
Ranchos de Placitas Sanitation District	X	
San Rafael Water & Sanitation District	X	
Thoreau Water & Sanitation District	X	
Twining Water & Sanitation District	X	
Williams Acres Water & Sanitation District	X	
Yah-ta-hey Water & Sanitation District	X	

STATE AGENCIES	Accepted	Rejected
Agency Designated		
Corrections Dept.	X	
Dept. of Finance and Administration	X	
Health and Environment Dept.	X	
Natural Resources Dept.	X	

NATIVE AMERICAN TRIBAL ENTITIES	Accepted	Rejected
Agency Designated		
Navajo Tribal Utility Authority (interim wastewater management agency)	X	
Pueblo of Pojoaque	X	

1 **Strategy**

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4
5
6

- 1) As economic development and growth continue in New Mexico, or as the need arises, additional designated management agencies for wastewater will be considered.

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1 2) The WQCC will consider new designated management agencies upon presentation
2 of a petition requesting such designation.

3
4 3) Designation of a Management Agency will occur only after appropriate public
5 participation and presentation of relevant authorities by the applicant.

6 II. Management Agencies for Nonpoint Sources of Pollution

7 The [New Mexico Nonpoint Source Management Program](#) identifies specific agencies and their
8 programs for the implementation of the nonpoint source management and control program.

9 Under the NPSMP, interagency agreements (e.g., MOUs) may be established to outline
10 management responsibilities unique to each agency's area of responsibility and expertise.

11
12 **Strategy**

13
14 1) Agencies or organizations participating through formal agreements under the
15 NPSMP will be considered a designated management agency for purposes the WQMP.
16

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1 **Work Element 6 – Implementation Measures**

2 (Revised: [month/year])

4 **Requirements for Work Element 6**

6 Regulation 40 CFR 130.6(c)(6) requires:

8 *[i]dentification of implementation measures necessary to carry out the plan,*
9 *including financing, the time needed to carry out the plan, and the economic,*
10 *social and environmental impact of carrying out the plan in accordance with*
11 *section 208(b)(2)(E).*

13 **Background**

14
15 Schedules that specify when pollution control programs are expected to be implemented are
16 useful in tracking the progress of control programs incorporated into the Water Quality
17 Management Plan. Implementation schedules inform management agencies responsible for the
18 programs and other interested or affected parties of when significant milestones leading to
19 implementation are expected to occur.

20
21 According to federal regulations (40 CFR 130.6(c)), a plan element may be “referenced as part
22 of the WQMP if contained in separate documents.” The State of New Mexico has elected to
23 utilize its Clean Water Act [Continuing Planning Process](#) as an “umbrella” planning document to
24 describe implementation measures employed by the State to protect water quality and to carry
25 out the plan. The CPP utilizes a “modular” approach to planning documents. In this approach,
26 planning and protocol documents are incorporated by reference. This method facilitates updates
27 and improvements of specific modules more readily than rewriting/reviewing an entire
28 document.

29
30 Where appropriate or required, individual documents also contain additional implementation
31 procedures specific to that document. For example, section 20.6.4.8 of the New Mexico [Water](#)
32 [Quality Standards for Interstate and Intrastate Surface Waters](#), [20.6.4 NMAC] defines the
33 State’s “Antidegradation Policy and Implementation Plan.” In particular, the antidegradation
34 plan addresses economic, social and environmental concerns pertinent to the policy. Another
35 example is the State’s [Nonpoint Source Management Program](#) that identifies implementation and
36 financing of measures under that program.

37
38 Implementation schedules may also be affected by statutory or Court imposed orders. An
39 example of a statutory schedule is CWA § 303(c) that requires States to review their water
40 quality standards every three years. An example of a Court imposed schedule is the Consent
41 decree and settlement agreement that resulted from *Forest Guardians and Southwest*
42 *Environmental Center v. Carol Browner, Administrator, U. S. Environmental Protection Agency*

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1 and the consequent MOA between the USEPA and the NMED for the development of TMDLs
2 (see Work Element 1).
3

4 Measures for financing these programs may arise from a variety of source including federal
5 grants (e.g., CWA §§ 106, 201, and 319), state budgets authorized by the Legislature, state
6 revolving funds, local governments, cost sharing with stakeholders (public and private) or other
7 means as appropriate to the task.
8

9 **Strategy**

- 10
11 1) The New Mexico Continuing Planning Process is incorporated by reference.
12
13 2) Utilize the CPP as a reference guide to program implementation and scheduling.
14
15 3) Adhere to statutory, regulatory, and Court sanctioned schedules.
16
17 4) Utilize funding sources appropriate to the task.
18
19

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1
2 **Work Element 7 – Dredge or Fill Program**

3 (Revised: [month/year])
4

5 **Requirements for Work Element 7**

6
7 Regulation 40 CFR 130.6(c)(7) requires:

8
9 *[i]dentification and development of programs for the control of dredge or fill*
10 *material in accordance with section 208(b)(4)(B) of the Act.*
11

12 **Background**

13
14 The United States Department of the Army, Corps of Engineers is responsible for issuing permits
15 for activities involving the discharge of dredge and fill materials as required pursuant to § 404 of
16 the federal Clean Water Act. Where a State, such as New Mexico, is not delegated primacy for
17 the issuance of permits (e.g., permits for dredged or fill material) pursuant to the CWA, the State
18 is entitled pursuant to § 401 of the CWA to review discharges (and permits) to ensure the
19 discharge will: 1) be compatible with appropriate state law; 2) protect water quality standards
20 adopted in accordance with § 303 of the CWA; and 3) implement an effective water quality
21 management plan. In such review, or certification, the State may: 1) approve the discharge
22 without condition; 2) approve the discharge subject to conditions necessary to meet one of the
23 three aforementioned criteria; 3) deny certification; or 4) waive certification. The NMWQA
24 assigns the responsibility for certifying permits issued under the CWA to the New Mexico
25 Environment Department. The NMWQA also specifies¹⁶ conditions where a certification shall
26 be denied.
27

28 The dredge or fill program is has also been addressed in the [*New Mexico Nonpoint Source*](#)
29 [*Management Program*](#)¹⁷.
30

31 **Strategy**

- 32
33 1) The *New Mexico Nonpoint Source Management Program* is hereby incorporated by
34 reference.
35
36 2) The NM Environment Department will review dredge or fill permit actions for
37 purposes of state certification. The Environment Department will assure through
38 appropriate review and communication with the permitting authority that permit

¹⁶ § 74-6-5.E - NMSA 1978, 1993 Replacement Pamphlet

¹⁷ July 1999 page 47.

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1 requirements and effluent limitations are: compatible with appropriate state law,
2 protect water quality standards and implement the water quality management plan.
3

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1 **Work Element 8 – Basin Plans**

2 (Revised: [month/year])

4 **Requirements for Work Element 8**

6 Regulation 40 CFR 130.6(c)(8) requires:

8 *[i]dentification of any relationship to applicable basin plans developed in*
9 *accordance with section 209 of the Act.”*

11 **Background**

13 Basin plans were initially developed by the State for water quality planning in the early and mid
14 1970’s. In the 1980’s the State elected to do its planning on a “state-wide” basis rather than a
15 “basin-wide” basis. The EPA approved New Mexico [Continuing Planning Process](#), indicates
16 *“the State has chosen to do its water quality management planning on a statewide basis and*
17 *therefore has no areawide water quality management plans or basin water quality management*
18 *plans¹⁸.”*

20 **Strategy**

- 21
22 1) Continue water quality management planning on a statewide basis.

¹⁸ 1987 NM Continuing Planning Process, page 7 and 1998 NM Continuing Planning Process page 6.

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1 **Work Element 9 – Ground water**

2 (Revised: [month/year])

4 **Requirements for Work Element 9**

6 40 CFR 130.6(c)(9) specifies that:

8 *“...States are not required to develop ground-water WQM plan elements beyond*
9 *the requirements of section 208(b)(2)(k) of the Act.”* [Emphasis added.]

11 Section 208(b)(2) of the Act states:

13 *“[a]ny plan prepared ... shall include but not be limited to: ... (k) a process to*
14 *control the disposal of pollutants on land or in subsurface excavations within*
15 *such area to protect ground and surface water quality.”*

17 **Background**

18
19 The WQCC has adopted comprehensive regulations [20.6.2 NMAC], including ground water
20 quality standards and a discharge permitting program, for the protection ground water quality
21 under the authority of the New Mexico Water Quality Act. In accordance with the NMWQA [§
22 74-6-4] the WQCC has delegated responsibility for administering its regulations regarding
23 ground water protection to the New Mexico Environment Department and the New Mexico Oil
24 Conservation Division of the New Mexico Energy Minerals and Natural Resources
25 Department¹⁹. The WQCC reviews and changes its regulations, as it deems appropriate.

26
27 In conjunction with the department-wide efforts to create/improve electronic databases, the
28 NMED Ground Water Quality Bureau has developed a computerized database. The database
29 addresses aspects of all of the ground water protection programs, including pollution prevention,
30 assessment and abatement, Superfund oversight, and voluntary remediation.

31
32 The NMED database is designed to be GIS-compatible and to provide information on site
33 characteristics, including contaminant types, legal entities, regulatory deadlines and issues,
34 public notices, soil and ground water analytical data, well construction details, generalized
35 lithology, and other related information. The database can be used to track regulatory timelines,
36 providing notices of due dates to NMED staff for site-related correspondence and activities. The
37 database may be used by the NMED to respond to public or regulatory-related inquiry, and for
38 supporting production of the 305(b) Report to Congress.

39
40 The NMOCD has developed similar database functions to assist in the implementation of the
41 ground water quality protection regulations.

¹⁹ *Delegation of Responsibilities to Environmental Improvement Division and Oil Conservation Division* July 21, 1989.

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2 **Strategy**

3

4 1) The WQCC will update the *Ground and Surface Water Protection Regulations* [20
5 NMAC 6.2] as necessary to meet arising needs.

6

7 2) The NMED and the NMOCD will continue to administer the state regulations for
8 ground water protection in accordance with the WQCC's delegation of
9 responsibilities.