UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
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AUG 3 1 2007 SEP 1 2 2007
SURFACE WATER QUALITY BUREAU

Mr. Ron Curry
Chairman
Water Quality Control Commission
Harold Runnels Building
1190 Saint Francis Drive
Santa Fe, N.M., 87502

Subject: EPA Approval of Revisions to New Mexico's Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC

Dear Mr. Curry:

I would like to inform you that we have completed our review of supporting documentation related to the State's 2005 triennial revisions. I would also like to express my appreciation for the efforts of the New Mexico Environment Department in the development of this documentation.

EPA's review was of a use attainability analysis, supporting the addition of sections 20.6.4.126 and 128 of the *Standards for Interstate and Intrastate Surface Waters* 20.6.4. NMAC. These revisions where adopted by the Commission and became effective as State law on May 23, 2005, with revisions effective on July 17, 2005. The original amendments were certified by the Assistant Attorney General by letter dated July 1, 2005, and were submitted to EPA as required under federal regulations at 40 CFR 131.20(c). EPA received this supporting use attainability analysis (UAA) on August 17, 2007. In today's action, EPA is approving sections 20.6.4.126 and 128 NMAC.

As detailed in my December 29, 2006, letter, EPA's approval of Sections 20.6.4.126 and 128 of the State's water quality standards is considered a federal action which may be subject to the Section 7(a)(2) consultation requirements of the Endangered Species Act (ESA).[1] EPA's approval of these sections of the water quality standards may be subject to the results of consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the ESA. EPA also has a Clean Water Act obligation, as a separate matter, to complete its water quality standards action. Therefore, in approving these revised sections of the New Mexico's water quality standards, EPA is completing its CWA Section 303(c) responsibilities for these sections. Should the consultation process with the U.S. Fish and Wildlife Service, as part of our consultation on the 2005 triennial submission, identify information that supports a conclusion that one or more of the revisions related to these sections is likely to jeopardize the continued existence of any endangered or threatened species, EPA will revisit and amend its approval decision for those revised or new water quality standards.

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1 Where EPA concludes that its approval action will have "no effect" on listed endangered or threatened species, or is otherwise not subject to ESA consultation, EPA can issue an unconditional approval.

As mentioned earlier, I appreciate both the Commission's and the Environment Department's efforts in the development of these important revisions to New Mexico's water quality standards, and commend the Commission for its action. I also appreciate the cooperative and constructive way in which the Environment Department staff has worked with my staff as in developing this UAA to support the 2005 amendments. If you need additional information, please call me at (214) 665-7101, or have the Environment Department staff contact Russell Nelson, my Regional Water Quality Standards Coordinator, at (214) 665-6646.

Sincerely,

Jerry R. Watson
for

Miguel I. Flores
Director
Water Quality Protection Division

cc: Denise Keehner, Director, SHPD
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