

**20.6.4.125 RIO GRANDE BASIN - Perennial reaches of San Pedro creek.**

**A. Designated Uses:** coldwater aquatic life, irrigation, livestock watering, wildlife habitat and secondary contact.

**B. Criteria:**

**(1) In any single sample: pH within the range of 6.6 to 8.8 and temperature 25°C (77°F) or less. The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses listed above in Subsection A of this section.**

**(2) The monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less; single sample 410 cfu/100 mL or less (see Subsection B of 20.6.4.14 NMAC).**

[20.6.4.125 NMAC - N, 05-23-05]

*This new segment for the perennial reaches of San Pedro Creek was broken out of Rio Grande Section 20.6.4.III, which previously contained the perennial reaches of both Las Huertas and San Pedro Creeks. As seen in that discussion, Las Huertas Creek has been shown to be capable of supporting a high quality coldwater aquatic life designation. The Commission indicates in its SoR (paragraph 217), that no evidence was presented to indicate that San Pedro Creek is capable of supporting that high quality coldwater use. Since this segment simply breaks San Pedro Creek out from segment III, retaining its coldwater aquatic life and secondary contact uses and associated criteria, no supporting documentation is necessary.*

**Action:** EPA approves this new Section.

**20.6.4.126 RIO GRANDE BASIN - Perennial portions of Cañon deValle from Los Alamos national laboratory (LANL) stream gage E256 upstream to Burning Ground spring, Sandia canyon from Sigma canyon upstream to LANL NPDES outfall 001, Pajarito canyon from Arroyo de La Delfe upstream into Starmers gulch and Starmers spring and Water canyon from Area-A canyon upstream to State Route 501.**

**A. Designated Uses:** coldwater aquatic life, livestock watering, wildlife habitat and secondary contact.

**B. Criteria:**

**(1) In any single sample: pH within the range of 6.6 to 8.8 and temperature 24°C (75.2°F) or less. The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses listed above in Subsection A of this section.**

**(2) The monthly geometric mean of E. coli bacteria 548 cfu/100 mL or less; single sample 2507 cfu/100 mL or less (see Subsection B of 20.6.4.14 NMAC).**

[20.6.4.126 NMAC - N, 05-23-05]

*This new segment was established to classify perennial waters within or near Los Alamos National Labs (LANL) property. The State based use designations for these segments on an intensive study by US Fish and Wildlife Service (Lusk and MacRae 2002). The US Fish and Wildlife Service's (Service) study demonstrated the presence of shellfish, which is indicative of a coldwater aquatic community although fish are not present in these segments. The Service's*

*study documented existing macroinvertebrate communities in all of the streams in this segment with the exception of Water Canyon. The study also indicated that these macroinvertebrate communities generally compare favorably to the coldwater aquatic community in the upper reaches of Los Alamos Canyon, further supporting the coldwater designation.*

*Although a waterbody may not support a reproducing fishery, it does not mean that it may not be supporting an aquatic life protection function. EPA agrees that an existing cold water aquatic community composed of invertebrates like that found in this stream should be protected whether or not the stream supports a fishery. The coldwater aquatic life designation is consistent with the 101(a)(2) interim goal of the Act, providing for protection of aquatic life uses. See 40 CFR 131.10(k). The State also established default uses of livestock watering and wildlife habitat. The use designations for these segments are consistent with the use in adjacent tributaries of the Rio Grande in Bandelier National Monument.*

*The basis for designating a secondary contact recreation use is unclear given that the Service's study indicates that there is evidence of pools of sufficient size for primary contact in the Sandia canyon stream. As discussed previously, EPA's current water quality regulation effectively establishes a rebuttable presumption that "fishable/swimmable" uses are attainable unless it can be demonstrated that such uses are not attainable. A secondary contact use does not meet that presumption.*

*Based on a review of the 2005 Triennial Submission record supplied by the State, the secondary contact use is not adequately supported. 40 CFR 131.6(b) and (f) requires the submission of supporting analyses and other general information that will assist EPA in determining the adequacy of standards that don't include uses specified in Sec. 101(a)(2) of the Act. To comply with the regulation, New Mexico must submit a UAA to demonstrate why attaining the secondary contact recreation uses are not feasible based on one of the factors listed in 40 CFR 131.10(g). The most logical factor is 40 CFR 131.10(g)(2) - natural, ephemeral, intermittent, or low-flow conditions or water levels prevent attainment of the use. Although the Service's intensive study is not a UAA in itself, the State could draw on information in that and other related intensive studies or information to support the secondary contact recreation use designation.*

**Action:** EPA takes no action on this Section.

**20.6.4.127 RIO GRANDE BASIN - Perennial portions of Los Alamos canyon upstream from Los Alamos reservoir and Los Alamos reservoir.**

**A. Designated Uses:** coldwater aquatic life, livestock watering, wildlife habitat, irrigation and primary contact.

**B. Criteria:**

(1) In any single sample: pH within the range of 6.6 to 8.8 and temperature 20°C (68°F) or less. The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses listed above in Subsection A of this section.

(2) The monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less; single sample 410 cfu/100 mL or less (see Subsection B of 20.6.4.14 NMAC).  
[20.6.4.127 NMAC - N, 05-23-05]

*As with the previous segment, this new segment was also established to classify perennial waters within or near LANL property. The use designations for this segment were also based on the Service's study of these waters. (Lusk and MacRae 2002). The reaches in this segment have been designated for coldwater aquatic life and primary contact recreation uses. The historical livestock watering and that wildlife habitat have been designated for this segment. The coldwater aquatic life designation and primary contact designations are consistent with the 101(a)(2) interim goals of the Act.*

**Action:** EPA approves this new Section.

**20.6.4.128 RIO GRANDE BASIN - Ephemeral and intermittent portions of watercourses within lands managed by U.S. department of energy (DOE) within LANL, including but not limited to: Mortandad canyon, Cañada del Buey, Ancho canyon, Chaquehui canyon, Indio canyon, Fence canyon, Potrillo canyon and portions of Cañon de Valle, Los Alamos canyon, Sandia canyon, Pajarito canyon and Water canyon not specifically identified in 20.6.4.126 NMAC. (Surface waters within lands scheduled for transfer from DOE to tribal, state or local authorities are specifically excluded.)**

**A. Designated Uses:** livestock watering, wildlife habitat, limited aquatic life and secondary contact.

**B. Criteria:**

(1) The use-specific criteria in 20.6.4.900 NMAC, except the chronic criteria for aquatic life are applicable for the designated uses listed in Subsection A of this section.

(2) The monthly geometric mean of E. coli bacteria 548 cfu/100 mL or less; single sample 2507 cfu/100 mL or less (see Subsection B of 20.6.4.14 NMAC).

(3) The acute total ammonia criteria set forth in Subsection K of 20.6.4.900 NMAC (salmonids absent) are applicable to this use.

[20.6.4.128 NMAC - N, 05-23-05]

*As with the two previous Sections, New Mexico has established this segment, classifying waters within LANL property. The State based use designations for this segment on the same intensive study by the Service (Lusk and MacRae 2002) mentioned in the previous sections. This segment has been designated for limited aquatic life and secondary contact based on likelihood of exposure by ingestion and a light frequency of use, as well as the State's default livestock watering and wildlife habitat uses that have been applied.*

*The limited aquatic life and secondary contact uses may be the highest uses that can be attained in this segment. However, as discussed in Section 20.6.4.126, such designations are not compatible with the uses specified in section 101(a)(2) of the Act and must be supported by a UAA based on one of the factors listed in 40 CFR 131.10(g). Again, the most logical factor is 131.10(g)(2) - natural, ephemeral, intermittent, or low-flow conditions or water levels prevent attainment of the use. The supporting UAA for waters in this segment and Section 20.6.4.126 may be combined.*

**Action:** EPA takes no action on this Section.

**20.6.4.129 RIO GRANDE BASIN - Perennial reaches of the Rio Hondo.**

**A. Designated Uses: domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat and secondary contact.**

**B. Criteria:**

**(1) In any single sample: specific conductance 400  $\mu$ mhos/cm or less, pH within the range of 6.6 to 8.8, total phosphorous (as P) less than 0.1 mg/L and temperature 20°C (68°F) or less. The use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to the designated uses listed above in Subsection A of this section.**

**(2) The monthly geometric mean of E. coli bacteria 126 cfu/100 mL or less; single sample 410 cfu/100 mL or less (see Subsection B of 20.6.4.14 NMAC).**

[20.6.4.129 NMAC - N, 05-23-05]

*The State has established a new segment for the Rio Hondo in the Rio Grande Basin, breaking this tributary out of Section 20.6.4.123. The total phosphorus 0.1 mg/L total phosphorus criterion that was re-established for segment 123 is being carried over to this new segment. The coldwater aquatic life designation and secondary contact designations are also being carried over from the original segment designation.*

*The secondary contact designation is supported by revised bacteriological criteria sufficient to support primary contact recreation based on a light frequency of use. EPA recognizes that primary contact recreation may not be attainable or appropriate in all waters and that States may designate secondary contact recreation, but set bacteriological criteria sufficient to support primary contact based on frequency of use as New Mexico has done here.*

**Action:** EPA approves this new Section.

**20.6.4.130 - 20.6.4.200: [RESERVED]**

*No response is required for this reserved section.*