



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

James Hogan  
Acting Chief  
Surface Water Quality Bureau  
New Mexico Environment Department  
Harold Runnels Building (N2056)  
P.O. Box 5469  
Santa Fe, NM 87502-5469

Dear Mr. Hogan:

I am writing in response to Deborah Sarabia's July 7, 2014, letter requesting the EPA's technical review of the Surface Water Quality Bureau's (SWQB) use attainability analysis (UAA) for the Animas River. I have completed my review and have outlined my findings below.

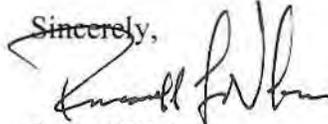
In the development of this UAA, the SWQB's approach was to review available literature and gather new data to determine the factors affecting attainment of aquatic life uses in Animas River. The SWQB determined that the coldwater and marginal coldwater aquatic life uses that currently apply to segments 20.6.4.403 and 404 NMAC of the Animas River are not attainable due to naturally high ambient water temperatures, consistent with the factors identified in 40 CFR 131.10 (g)(1).

In my technical review, I considered all the supporting information presented. The literature and supporting data indicated that current coldwater and marginal coldwater aquatic life uses are not appropriate to protect native fish in the Animas River. Based on these findings, EPA considers this UAA to be technically approvable, supporting the designation of the coolwater aquatic life use for both the lower Animas River (San Juan River to Estes Arroyo) and the upper Animas River (Estes Arroyo to the Southern Ute tribal boundary). A discussion of EPA's findings can be found in the enclosed Technical Support Document.

The Region's technical review does not constitute a final action under §303(c) of the Clean Water Act (CWA), but is an interim action utilizing previously approved performance-based provisions (*See* 65 FR 24647, 24648 ((April 27, 2000))). Since this is not a final action by EPA, it is not subject to the outcome of consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7(a)(2) of the Endangered Species Act. If the Water Quality Control Commission should revise the state's standards during the current triennial revision, or subsequently as an interim rulemaking, EPA will make a final determination under §303(c) of the CWA and consult with the USFWS at that time.

I appreciate your and the SWQB staff's efforts in the development of this UAA. If you have any questions concerning this letter please call me at (214) 665-6646.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Nelson", written over the word "Sincerely,".

Russell Nelson  
Regional Standards Coordinator

Enclosure

cc: Kristine Pintado  
Standards, Planning and Reporting Team  
Surface Water Quality Bureau

Deborah Sarabia  
Assessment and TMDL Team  
Surface Water Quality Bureau