



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 18 2012



James Hogan, Acting Chief  
Surface Water Quality Bureau  
New Mexico Environment Department  
Harold Runnels Building (N2050)  
P.O. Box 5469  
Santa Fe, NM 87502-5469

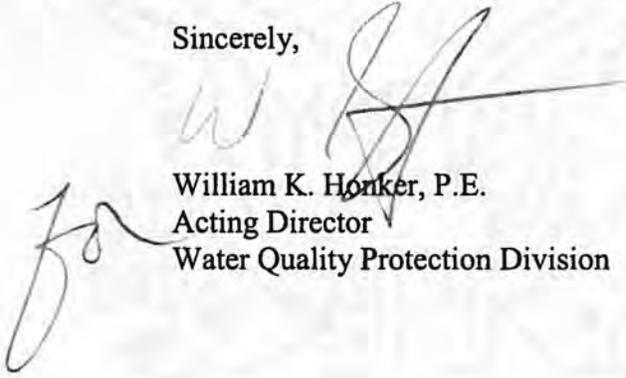
Dear Mr. Hogan:

I am writing in reference to the Environmental Protection Agency's (EPA or the Agency) April 30, 2012 action on amendments to the *Standards for Interstate and Intrastate Surface Waters 20.6.4. NMAC*. In that action, EPA approved the remaining new/revised amendments with the exception of aluminum criteria under specific conditions.

In that action, EPA approved the application of the hardness-dependent equation for aluminum to those waters of the State at a pH of 6.5 to 9.0 because it will yield criteria that are protective of applicable uses in waters within that pH range. However, EPA disapproved the application of this equation in waters where the pH is below 6.5 as it may not be protective of applicable uses below that pH range. In that action, we stated that consistent with EPA's regulations, the previously approved 304(a) criteria for aluminum are thus the applicable water quality standards for purposes of the CWA in waters where the pH is at or below 6.5. We also stated that in such cases, as the permitting authority in New Mexico, EPA will apply the previously approved 87 µg/L chronic criterion, but inadvertently referred to the total recoverable form of aluminum - the previously approved criterion is the dissolved fraction. As a result, we are amending our action to clarify that as the permitting authority, EPA will apply the previously approved 87 µg/L dissolved aluminum criterion in those waters where the pH is below 6.5 as described in the enclosed amended Record of Decision (ROD) addendum. This correction does not affect other new/revised standards approved in our previous action.

I appreciate the State's cooperative efforts in resolving this issue. If you need additional detail concerning this letter or the enclosed amended addendum to our original ROD, please call me at (214) 665-3187, or have your staff contact Russell Nelson at (214) 665-6646.

Sincerely,

  
William K. Honker, P.E.  
Acting Director  
Water Quality Protection Division

Enclosure

cc: Wally Murphy  
Field Supervisor  
Ecological Services Office  
USFWS  
2105 Osuna Road NE  
Albuquerque, NM 87113-1001

Lynn Wellman  
Regional Water Quality Coordinator  
USFWS  
Box 1306  
Albuquerque, NM 87103