



New Mexico Environment Department

Rio Chama Watershed TMDLs

Final Approval and Incorporation into the State's Water Quality Management Plan
of the Total Maximum Daily Loads (TMDLs)

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Water Quality Control Commission Meeting, October 13, 2020





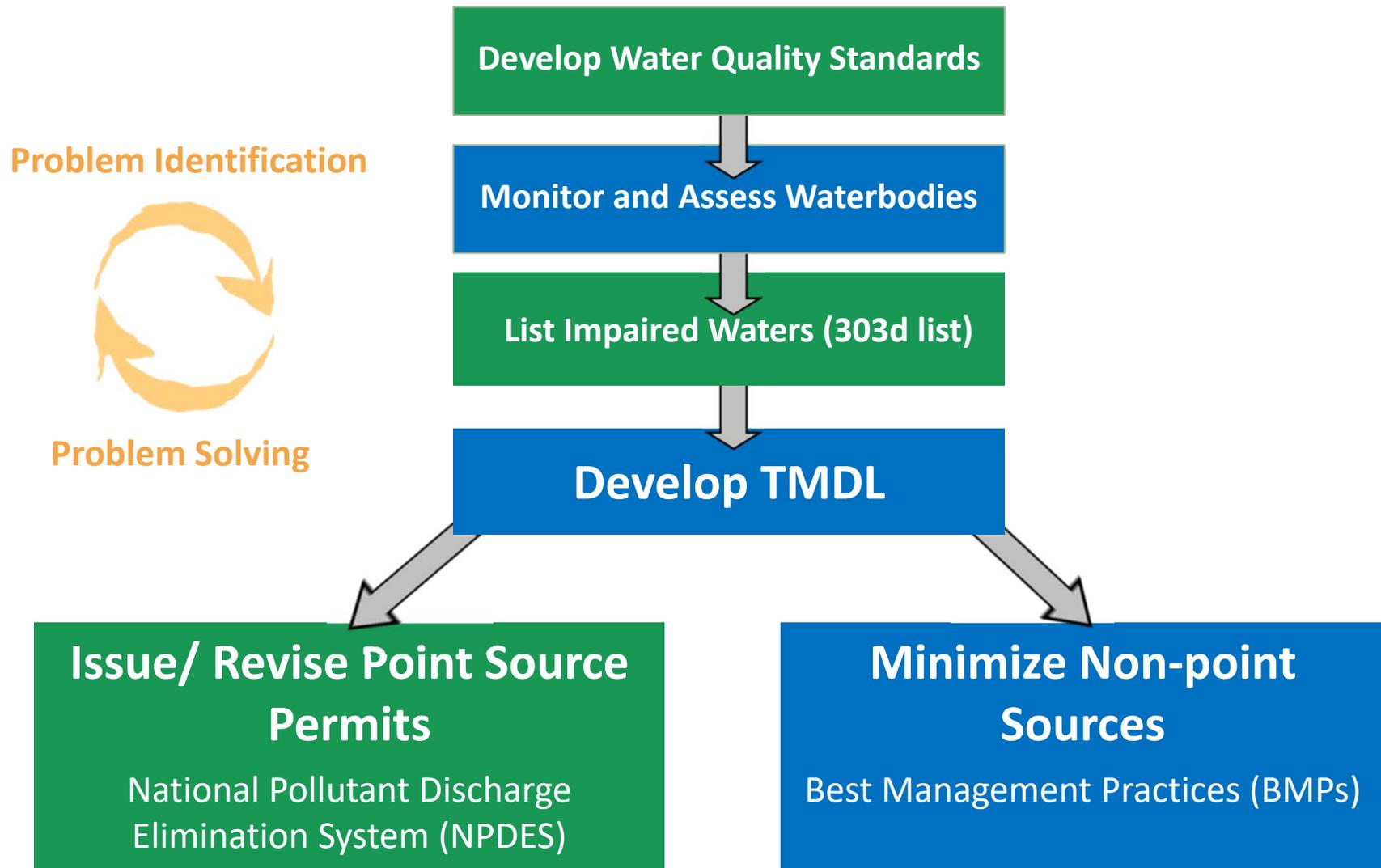
Federal Clean Water Act (CWA) (33 U.S.C. 1251, *et seq.*)

- The purpose of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters” in order to reach a level of water quality that “provides for the protection and propagation of fish, shellfish, and wildlife, and provides for recreation in and on the water.” 33 U.S.C. § 1251(a).
- Section 303(d) of the CWA requires states to develop TMDLs as part of its “Continuing Planning Process” (CPP). *See also* NMSA 1978, § 74-6-4(B).





Framework for Restoring Polluted Waters





Total Maximum Daily Loads (TMDL)

- A **TMDL** is the maximum amount of a pollutant that can enter a stream without causing an impairment (exceedance of the water quality standard).
- **TMDL** = WQS x Critical Flow x CF

WQS = Water Quality Standard

Critical Flow = the critical condition for receiving-water flow

CF = conversion factor to a daily load





Total Maximum Daily Loads (TMDL)

- A TMDL document is a water quality plan that establishes specific goals to meet water quality standards and includes*:
 - Pollution reduction estimates; and
 - Information and suggestions leading to the development of Watershed Based Plans which discuss control measures to protect the chemical, physical, and biological integrity of the waterbody.

*Per 40 CFR Part 30 and EPA Guidelines for Reviewing TMDLs Under Existing Regulations Issued in 1992



TMDL Allocations

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

(MOS is the authorized margin of safety to account for uncertainty)

Load Allocation (LA) is pollution from any non-discrete source and is addressed through BMPs.



Waste Load Allocation (WLA) is pollution from a known, confined source and is controlled through NPDES permits.





General Requirements for TMDL Approval

- ❑ 40 CFR Section 130.6 requires New Mexico to incorporate TMDLs into the Statewide Water Quality Management Plan (NM WQMP).
- ❑ Federal public participation requirements for the TMDL process are found in 40 CFR Subpart 131.20(b) and Section 25.
- ❑ In accordance with Section 401 of the Clean Water Act, the US EPA may not issue an NPDES permit that is in conflict with State-adopted Water Quality Standards, including TMDLs. NMED issues a Section 401 Certification for each NPDES permit to require more stringent conditions if it is required by state Water Quality Standards.



2020 RIO CHAMA TMDLs

| Assessment Unit * | TMDL Parameter |
|---|-------------------------|
| Cañones Creek (Abiquiu Rsvr to Chihuahueros Ck) | <i>E. coli</i> |
| Rio Nutrias (Perennial prt Rio Chama to headwaters) | <i>E. Coli</i> |
| Coyote Creek (Rio Puerco de Chama to headwaters) | Sedimentation/Siltation |
| Poleo Creek (Rio Puerco de Chama to headwaters) | Sedimentation/Siltation |
| Rito Encino (Rio Puerco de Chama to headwaters) | Sedimentation/Siltation |
| Placer Creek (Hopewell Lake to headwaters) | Temperature |
| Rio Tusas (Perennial part Rio Vallecitos to headwaters) | Temperature |
| Sixto Creek (Rio Chama to CO border) | Temperature |

*There are no NPDES permits that discharge to the assessment units addressed in this TMDL.



Public Participation Process

- The 30-day public comment period started May 1, 2020 and ended June 1, 2020.
- The TMDL was made available for public review via the SWQB website and upon request.
- Public notice of the Rio Chama Watershed TMDL report was published on the SWQB website on May 1, 2020.
- The notice was also sent to the SWQB email list that contains over 1,750 email addresses.



Rio Chama Watershed TMDL – Public Meeting

- Virtual public meeting hosted on Wednesday, May 6 from 5:30-7:30 pm via WebEx.
- Four stakeholders attended.
- Comments during the meeting pertained to Microbial Source Tracking, drinking water, existing TMDLs in the watershed, the Watershed Based Planning process, and SWQB monitoring schedule.



Public Comments Received

Two sets of public comments were received by the SWQB:

- Dr. James Morgan, citizen
- New Mexico Department of Agriculture



Changes to Public Draft after Comments

- ❑ Minor editorial corrections were made to the report.
- ❑ An outdated version of Appendix C was replaced with the current and correct version.
- ❑ Responses to the public comments were drafted and included as Appendix E of the TMDL.
- ❑ Section 8 (Public Participation) was updated.



Final Draft TMDL Publication

- ❑ On July 22, 2020, the final TMDL draft was made available to the public and WQCC via posting on the SWQB main website page (<https://www.env.nm.gov/surface-water-quality/>)
- ❑ The TMDL has been reviewed by NMED Office of General Counsel and is in accord with applicable state and federal laws.
- ❑ Notice of the Final Draft TMDL was emailed on August 3, 2020 to the commenters who provided public comments on the Public Comment Draft TMDL.
- ❑ SWQB Recommendation: ***Approve and Incorporate the TMDL as proposed.***



TMDL Next Steps

- If the TMDL is approved by the NM WQCC, the signed Order will be posted to the SWQB website.
- A letter requesting TMDL approval and approval of the update to the NM WQMP/CPP will be sent to EPA Region 6 along with the signed WQCC Order.
- Once final approval is received from EPA Region 6, the EPA approval letter and Final TMDL will be posted to the SWQB website.



SWQB and TMDL Contacts

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