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February 16, 2018

David Garcia, Acting Director (6WQ)
Water Division
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Re: Request for EPA's review of amendments to 20.6.4 of the New Mexico Administrative Code (NMAC) and approval of designated use amendment to Tecolote Creek in San Miguel County, New Mexico

Dear Mr. Garcia:

Pursuant to 20.6.4.15 NMAC, the State of New Mexico Standards for Interstate and Intrastate Surface Waters, the New Mexico Environment Department (NMED) conducted two Use Attainability Analyses (UAAs) for two independent waterbodies, Tecolote Creek and Dog Canyon Creek.

Portions of Tecolote Creek, located in San Miguel County and within the Pecos watershed, were designated with a high quality coldwater aquatic life use. However, the results of the UAA demonstrate that coolwater is the highest, naturally attainable aquatic life use in the segment from Interstate 25 to Blue Creek.

Perennial portions of Dog Canyon Creek, located in Otero County and within the Tularosa Closed Basin, were designated with a coldwater aquatic life use. However, the results of the UAA demonstrate that coolwater is the highest, naturally attainable aquatic life use for the perennial portions of this creek.

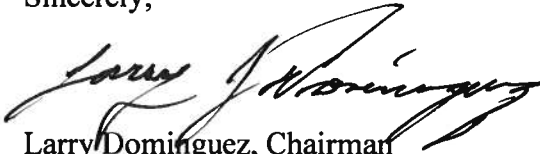
These UAAs were based on the Department's Air Water Temperature Correlation (AWTC) Model which identified that the current designated aquatic life uses for these waterbodies were not naturally attainable. NMED petitioned the Water Quality Control Commission (WQCC) to amend the aquatic life use for these waterbodies. A public hearing was held on January 9, 2018. The WQCC reviewed the testimony and evidence supporting the proposed designated use changes and unanimously approved the amendments as submitted. Following publication in the New Mexico Register on February 13, 2018, the rulemaking has been completed and the amendments were made effective for the purposes of the State's Water Quality Act as of February 13, 2018.

In accordance with 40 CFR §131.2, NMED is hereby submitting the use attainability analyses for both Tecolote Creek and Dog Canyon Creek along with the final order and statement of reasons from the WQCC approving the proposed amendments to 20.6.4 NMAC for EPA's review and approval, as applicable. Since Dog Canyon Creek is in the Tularosa Closed Basin, NMED is not requesting EPA approval of this amendment but as common process, has included it as a courtesy to keep EPA apprised of actions pertaining to surface waters of the State.

In addition to the amendments to Dog Canyon Creek and Tecolote Creek, NMED identified a typographic error under Section 804 of the Standards for Interstate and Intrastate Surface Waters 20.6.4 NMAC, Closed Basin: Perennial reaches of the Mimbres river upstream of the confluence with Allie canyon to Cooney canyon, and all perennial reaches of East Fork Mimbres (McKnight canyon) downstream of the fish barrier, and all perennial reaches thereto. The Final Order and Statement of Reasons approved by the WQCC on January 10, 2017 identifies the aquatic life use as "coldwater" however, the published version identified this as "high quality coldwater". In order to correct this error, NMED submitted an amendment to the New Mexico Commission of Public Records, Administrative Law Division. This amendment was approved and is scheduled for publication on February 27, 2018 in the New Mexico Register and will become effective February 28, 2018. Although amendments to this segment are within a closed basin and therefore not subject to EPA's action, NMED felt it appropriate to convey this correction and provide EPA with the corrected Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC) which includes this amendment.

If you have questions or would like to discuss this matter, please feel free to contact Jennifer Fullam at (505) 827-2637.

Sincerely,



Larry Dominguez, Chairman
New Mexico Water Quality Control Commission

Encl.: Tecolote Creek UAA
Dog Canyon Creek UAA
WQCC Hearing Transcripts from January 9, 2018
WQCC Final Order and Statement of Reasons dated January 16, 2018
20.6.4 NMAC with amendments effective February 28, 2018

Cc: Russell Nelson, Water Quality Division, United States Environmental Protection Agency,
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