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STATE OF NEW MEXICO PROCEDURES FOR ASSESSING STANDARDS ATTAINMENT FOR §303(d) LIST AND §305(b) REPORT

ASSESSMENT PROTOCOL

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Procedures for Assessing Standards Attainment

The Surface Water Quality Bureau conducts evaluations of water quality data for water quality standards attainment. This is required for biannual reporting under sections 305(b) and 303(d) of the Clean Water Act. These procedures for determining standards attainment allow for two levels of assessments for beneficial use support - monitored assessments and evaluated assessments.

Monitored Assessments

The most rigorous level of assessment is the **Monitored Assessment**. Monitored assessments are based on current data, (five year or less), which is determined to be reasonably representative of the water quality conditions in the stream segment. This may include water quality data from fixed-station sources and intensive surveys. It may include chemical/physical, benthic, habitat, or toxicity testing data. Sources of data could include but are not limited to:

* NMED Surface Water Quality Bureau water quality/habitat, properly functioning condition monitoring data using approved, quantitative methodologies;

* Chemical/physical data from recent studies by NMED or other groups which meet established QA/QC requirements;

* USGS water quality data;

* Benthic macroinvertebrate data collected by NMED or other agencies/contractors, which meets established QA/QC requirements;

* GAWS (General Aquatic Wildlife Survey), RBP (Rapid Bioassessment Protocols), T-WALK (Thalweg-Watershed Area Link) or other biological/habitat data collected by NMED and other groups;

* NPDES Discharge Monitoring Report (DMR) data and NMED point source monitoring data, if there is a point source discharge on the stream segment to be assessed;

* Results of quantitative field assessments performed by qualified and trained observers;

* Citizen or volunteer monitoring data, if from a program with a state approved QA/QC plan.

Evaluated Assessments

Even if water quality data is limited or not available, it is possible to conduct an evaluated assessment based on information other than current site-specific monitoring results. This may include, but is not limited to data of the following types:

* A documented non-compliance of narrative surface water standards. Documentation may include photographs, video, and results of qualitative assessments which can be definitively linked to a standard violation;

* Monitoring data which is greater than five but less than ten years old;

* Waters with fishing, swimming, or drinking water advisories in effect.

Data Confidence Determinations

It is recognized that not all data of a certain type are of equal quality or rigor. Section B of this document contains tables describing four defined levels of data quality or confidence for each type of data recognized for use in making aquatic life support determinations. Tables for determining the level of confidence for biological, physical/chemical, toxicological, and habitat data are listed. These tables are included only for aquatic life use because it is the only use for which multiple data types are recognized. These tables are adapted from the U.S. EPA's 1998 305(b) guidance, classify the data level or rigor of a data type by its technical components, level of effort (spatial or temporal coverage), and an assessment of general data quality. Level 4 represents data of the highest rigor and the highest level of confidence, with a Level 1 assessment representing the lowest level of confidence. While data quality tables are not available for other designated uses, it is possible to apply the general guidelines to other data to determine if it is of sufficient quality to support use designations. For example, the table for physical/chemical determinations may be used to assign a level of confidence to data used for making a determination of drinking water supply use attainment.

Use Support Determinations

Data collected within the last ten years will be divided into two five year groups. This division is used to allow for temporal changes in pollutant levels. Looking at the data in these discrete intervals will allow an approximation of trend. A pollutant which was a problem in data older than five years may no longer be of concern because of regulatory implementation or site remediation. For example a point source permittee or non-point project may have resulted in improved water quality as a result of reduced permit levels or site remediation projects. Hopefully, these changes led to improvements in water quality and can be accounted for in the assessment. If there is no data within the last ten years, assessments will be made on the most recent data available and these segments will be targeted as high priorities for upcoming monitoring efforts.

Water Quality Standards are actually a triad of elements which work in concert to provide water quality protection. These three elements are: designated use, numerical and narrative criteria, and an antidegradation policy. Designated uses that are assigned to stream segments in the document ***Standards for Interstate and Intrastate Streams*** define the level of use attainment expected for defined stream segments. Numeric and narrative criteria have been adopted to protect for these designated uses. All references to criteria throughout this document refer to these state adopted numerical limits found in the ***Standards for Interstate and Intrastate Streams*** document.

Section A of this document includes guidelines, incorporated into tables, which have been adopted

for interpreting the available data. These guidelines are to be used to make determinations of use support, utilizing the previously described Monitored and Evaluated data sets. Flexibility is built into these guidelines to account for uncertainties such as: the natural variability of water quality data; the lack of extensive data necessary to make more definitive assessments; and the transitory nature of many pollutants. Each designated use has one or more tables with specific requirements for assigning beneficial use determinations based on the type of data being evaluated. Each type of data is to be evaluated separately. Guidance on how to rectify two or more data types with differing use attainment determinations is found later in this document.

For the purposes of 305(b) reporting, designated use support assignments of **Full Support**, **Partial Support**, or **Not Supported** may be made. Another designation **Full Support-Threatened**, is a special case category. It is defined as a water that currently meets all applicable water quality standards, numerical and narrative, but is reasonably expected to exceed criteria before the next two-year list submission deadline. Assignment of this designation may only be done with the support of monitored data that has been projected will lead to exceedences of the criteria before the next two-year submission deadline. For purposes of internal Bureau use only, a designation of **Full Support, Impacts Observed** is included in the tables. This designation will be used to assign priorities for future assessments and other activities; such as NPS, NPDES and monitoring needs reviews, within the Bureau, but continues to be classified as Fully Supporting for 305(b) listing purposes.

No determination of significant impairment, Partial or Not Supported, may be made in the absence of monitored or reliably documented evaluated data. It is understood that any evaluated assessment may involve some level of "best professional judgement". However, evaluations based solely on professional judgement, literature statements (judgement based), or public comments without reliable support should not be the only basis for a listing. For segments where there are no monitored data but for which reliable and documented evaluated data, equivalent to data quality Level 1 or higher, suggests impairment, the segment may be given a Partially Supporting listing. Segments listed for this reason will be given priority for a more rigorous assessment in the next reporting period to determine if the listing should be upgraded or downgraded. For those segments for which there is no reliable data, either monitored or evaluated, a designation of **Unassessed** will be assigned.

Conflicting Use Support Determinations

Use assessment decisions should consider and integrate, whenever possible and appropriate, the results of various monitoring data types. These include: biological, habitat/stream channel condition, chemical/physical, and toxicological monitoring data. For aquatic life use assessments it is possible that data of differing types may lead to differing use attainment determinations for the same reach. For example, there may be physical/chemical data that indicates a Partial Support designation and biological data that evaluates the reach as Full Support. Generally, when there are two conflicting data types, a determination will be made using the data of highest quality. If more than two data types are available for assessment, a preponderance of evidence approach will be adopted.

This approach will consider data type and data quality in reaching a final aquatic life use

determination. When biological data are available and the data quality levels are comparable, biological data will be given greater weight than other data types in making such determinations, with the exception of toxic chemical data. Biological assessments provide an integrated assessment of ecological health, are not as subject to transient variability as chemical assessments, and provide a direct measure of the designated goal of providing for the protection and propagation of fish, shellfish, and wildlife as stated in the Clean Water Act.

SECTION A. WATER BODY ASSESSMENT TABLES

Criteria for Determinations of Aquatic Life Use Support using differing monitored data types.

Table 1. Criteria for Assessment of Aquatic Life Use Support Using Biological Data from Rivers and Streams in New Mexico.[1]

% Comparison to Reference[2]	Biological Condition Category (Degree of Aquatic Life Use Support)	Attributes
> 83%	Non-impaired (Full Support)	Comparable to best situation to be expected within ecoregion (watershed reference site). Balanced trophic structure. Optimum community structure (composition & dominance) for stream size and habitat quality.
54-79%	Slightly Impaired (Full Support, Impact Observed)	Community structure less than expected. Composition (species richness) lower than expected due to loss of some intolerant forms. Percent contribution of tolerant forms increases.
21-50%	Moderately Impaired (Partial Support)	Fewer species due to loss of most intolerant forms. Reduction in EPT index.
<17%	Severely Impaired (Not Supported)	Few species present. If high densities of organisms, then dominated by one or two taxa.

[1]Biological attributes from EPA's "Rapid Bioassessment Protocols for Use in Stream and Rivers." The Surface Water Quality Bureau has begun a program of reassessing and refining the biomonitoring protocols and percentages used in this table to better reflect conditions in New Mexico waters.

[2]Percentage values obtained that are intermediate to the above ranges will require subjective judgement as to the correct placement.

Table 2. Criteria for Assessment of Aquatic Life Use Support Using Toxicant Data (including Ammonia and Chlorine) from Surface Waters of New Mexico.

Refer to Sections 3101.J, 3101.M and 3101.N of the Water Quality Standards for the numeric standards for metals, chlorine and ammonia.

Degree of Aquatic Life Use Support	Criteria
Full Support	For any one parameter, no exceedences of the acute or chronic criteria or chronic screening level within a five-year period.[1]
Full Support, Impacts Observed	For any one parameter, one exceedence of the acute or chronic criteria or chronic screening level in a five year period.
Partial Support	For any one parameter, more than one exceedence of the acute or chronic criteria or chronic screening level within a five year period and in □25% of samples.
Not Supported	For any one parameter more than one exceedence greater than the acute or chronic criteria within a five year or three year period respectively and in >25% of the samples.

Note: [1] The chronic criteria shall be applied to the arithmetic mean of four samples collected on each of four consecutive days. The chronic screening level is 1.5 times the chronic criteria and shall be applied to grab samples.

Table 3. Criteria for Assessment of Aquatic Life Use Support Using Chemical/Physical Data from Surface Waters of New Mexico.

Refer to the appropriate stream segment number and the appropriate fishery use category in Section 3101 of the Water Quality Standards for numeric standards for conventional chemical/physical parameters. Conventional pollutants to be grouped for the determination of aquatic life use support are: temperature, turbidity[1], pH, dissolved oxygen and total phosphorus.

Degree of Aquatic Life Use Support	Criteria[2]
Full Support	For any one parameter, criteria exceeded in□ 7% of the measurements within a five-year period.
Full Support, Impacts Observed	For any one parameter, criteria exceeded in > 7% but < 15% of the measurements within a five-year period.
Partial Support	For any one parameter, criteria exceeded in 15-25% of the measurements within a five-year period.
Not Supported	For any one parameter in the group, criteria exceeded in > 25% of the measurements within a five-year period.

Note: When single excursions "significantly" above the standards occur; when such excursions occur during critical life cycle period, such as temperature or turbidity exceedences during spawn periods for cold water fish species; or when severe events lead to fish kills (or other serious water quality impairment), best professional judgement and other available data will be used to determine the degree of aquatic life use support.

[1] Turbidity exceedences attributable to natural causes or the reasonable operation of irrigation and flood control facilities are not considered exceedences of the criteria.

[2] A minimum of 7 samples is necessary to make assessments based on percentages. If fewer than 7 samples are analyzed, no criteria exceedences shall be assessed as Full Support, one exceedence shall be assessed as Full Support, Impacts Observed and more than one exceedence shall be assessed as Not Supported.

Table 4. Criteria for Assessment of Aquatic Life Use Support Using Toxicity Testing Data from Surface Waters of New Mexico.

Degree of Aquatic Life Use Support	Criteria
Full Support	No significant effect[1] noted in either acute or chronic tests as compared to controls or reference conditions.
Partial Support	Significant effect noted in chronic tests. No significant effects noted in acute tests.
Not Supported	Significant effect noted in both acute and chronic tests.

[1] Significant effect refers to a statistically significant difference as defined in the document "Methods for Measuring the Chronic Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms", EPA 1993. Reference controls will be used to compensate for possible toxic effects from naturally occurring conditions (i.e. high salinity).

Table 5. Criteria for Assessment of Aquatic Life Use Support Using Stream Morphology Data[1].

Degree of Aquatic Life Use Support	Criteria
Fully Support	Documented data indicate only slight modification of stream morphology using a quantifiable assessment tool. Stream is stable.
Full Support, Impacts Observed	Documentation shows moderate alterations which are localized and do not show impacts outside of a reasonable recovery area.
Partial Support	Modification to stream morphology significant and with broad scale. Quantifiable assessments of stream morphology show vertical and/or horizontal instability.
Not Supported	Stream morphology severely altered. Severe bank failure and/or hydrological changes. Accelerated upland erosion.

[1] These assessments will be made using assessment tools currently being developed by the Nonpoint Source Pollution Section. Further modifications to this table will be necessary as the tool is modified and tested.

Table 6. Criteria for Assessment of Domestic Water Supply Use Support in Surface Waters of New Mexico.

Refer to Section 3101.B of the Water Quality Standards for the numeric standards for domestic water supply.

Degree of Use Support	Criteria
Full Support	No exceedences of domestic water supply criteria within five years.
Partial Support	One excedence of the numeric criteria within five years, except for nitrate. If there is one exceedence of the nitrate criteria, then the WATER BODY is classified as not supported.
Not Supported	Two or more exceedences of the numeric criteria within five years.

Table 7. Criteria for Assessment of Primary and Secondary Contact Use Support in Surface Waters of New Mexico.

Refer to Paragraph B under the appropriate stream segment number and to Section 3101.G of the Water Quality Standards for standards to determine use support for primary and secondary contact recreation.

Degree of Use Support	Criteria[1]
Full Support	No exceedences of the numeric geometric or single sample criteria.
Full Support, Impacts Observed	The criterion for geometric mean is met. Single sample criterion exceeded in □10% of samples in a five year period.
Partial Support	The geometric mean criterion is met. Single sample criterion exceeded in 11-25% of measurements within a five year period.
Not Supported	Geometric mean criterion not met. Single sample criterion exceeded in >25% of the measurements in a five year period.

[1] A minimum of 7 samples is necessary to make assessments based on percentages. If fewer than 7 samples are analyzed, no criteria exceedences shall be assessed as Full Support, one exceedence shall be assessed as Full Support, Impacts Observed and more than one exceedence shall be assessed as Not Supported.

Table 8. Criteria for Assessment of Water for Irrigation Use in Surface Waters of New Mexico.

Refer to Section 3101.D of the Water Quality Standards for the numeric criteria used to determine use support for irrigation.

Degree of Use Support	Criteria
Full Support	No exceedences of the criteria within five years.
Full Support, Impacts Observed	One exceedence of either pathogens or metals within five years.
Partial Support	Two exceedences of pathogens and/or metals within five years.
Not Supported	Three or more exceedences of pathogens, and/or metals within five years.

Table 9. Criteria for Assessment of Livestock Watering Use Support in Surface Waters of New Mexico.

Refer to Section 3101.K of the Water Quality Standards for the numeric criteria used to determine use support for livestock watering.

Degree of Use Support	Criteria
Full Support	No exceedences for any one parameter within five years.
Full Support, Impacts Observed	One exceedence for any one parameter within five years.
Partial Support	Two exceedences for any one parameter within five years.
Not Supported	Three or more exceedences for any one parameter within five years.

Table 10. Criteria for Assessment of Wildlife Habitat Use Support in Surface Waters of New Mexico.

Refer to Section 3101.L of the Water Quality Standards for both narrative and numeric criteria for wildlife habitat. Use best professional judgement and the numeric criteria for selenium, mercury and chlorine to determine use support for wildlife habitat.

Degree of Use Support	Criteria
Full Support	No exceedence for any one parameter within five years.
Full Support, Impacts Observed	One exceedence for any one parameter within five years.
Partial Support	Two exceedences of any one parameter within five years.
Not Supported	Three or more exceedences of any one parameter within five years.

SECTION B. Determination of level of data confidence.

Table 1. Hierarchy of bioassessment approaches for evaluation of aquatic life use attainment based on resident assemblages.

LEVEL OF INFO	TECHNICAL COMPONENTS	SPATIAL/ TEMPORAL COVERAGE	DATA QUALITY	WBS CODES
1	Visual observation of biota; reference conditions not used; simple documentation	Limited monitoring; extrapolation from other sites	Unknown or low precision and sensitivity; professional biologist not required.	322, 350
2	One assemblage (usually invertebrates); reference conditions pre-established by professional biologist; biotic index or narrative evaluation of historical records	Limited to a single sampling; limited sampling for site-specific studies; identifications to family level	Low to moderate precision and sensitivity; professional biologist may provide oversight	310, 320, 322, 350
3	Single assemblage usually the norm; reference conditions may be site specific, or composite of sites; biotic index (interpretation may be supplemented by narrative evaluation of historical records)	Monitoring of targeted sites during a single season; may be limited sampling for site-specific studies; may include limited spatial coverage for watershed-level assessments; identifications to genus and species level	Moderate precision and sensitivity; professional biologist performs survey or provides training for sampling; professional biologist performs assessment	310, 315, 320, 321, 350
4	Generally two assemblages, but may be one if high data quality; regional (usually based on sites) reference conditions used; biotic index (single dimension or multi metric index)	Monitoring during 2 sampling seasons; broad coverage of sites for either site-specific or watershed assessments; identifications to genus and species level; conducive to regional assessments using targeted or probabilistic design	High precision and sensitivity; professional biologist performs survey and assessment	310, 315, 320, 321, 330, 331, 340, 350

Table 2. Hierarchy of stream morphology for evaluation of aquatic life use attainment.

LEVEL OF INFO	TECHNICAL COMPONENTS	SPATIAL/ TEMPORAL COVERAGE	DATA QUALITY	WBS CODES
1	Geomorphic characterization, broad level description of stream type. Channel slope, channel shape, and channel patterns	Data collected from topographic maps, aerial photos, and limited field reconnaissance	Low to moderate data precision and sensitivity; professional scientist (experienced in morphological assessments) required for assessment but not for field characterization.	
2	Morphological description, cross section, longitudinal profiles, plan form, locate reference reaches. Entrenchment ratio, width to depth ratio, bankfull determination, sinuosity, channel materials	Annual visits after bankfull discharge events, generally easy access, limited to moderate spatial coverage; mostly site specific studies	Low to high precision and sensitivity; professional scientist with limited knowledge of stream hydrology required	
3	Assessment of stream condition and departure from its potential riparian vegetation, flow regime, debris, stream size and order, streambank erosion potential, channel stability, depositional pattern, meander pattern, aggradation/degradation trends, altered channel features. Companion inventories may include: aquatic and terrestrial inventories, riparian successional processes, aquatic habitat inventories, fish viability evaluations, hydraulic studies, sediment budgets, cumulative watershed effects, etc.	Annual visits, spatial coverage limited to moderate and commensurate with biological sampling. Assessment may be regional or site specific.	Moderate to high precision and sensitivity; professional scientist with limited knowledge of stream hydrology required	
4	Validation/verification (confirmation). Sediment measures, streamflow measures, stream stability, and bank erosion rates	Annual visits, spacial coverage usually moderate often commensurate with biological sampling and/or habitat assessments; assessment may be regional or site-specific	Moderate to high precision and sensitivity; professional scientist with moderate knowledge of stream morphology required for data interpretation.	

Table 3. Hierarchy of physical/chemical data levels for evaluation of aquatic life use attainment.

LEVEL OF INFO	TECHNICAL COMPONENTS	SPATIAL/TEMPORAL COVERAGE	DATA QUALITY	WBS CODES
1	Any one of the following: o Water quality monitoring using grabwater sampling o Water data extrapolated from up stream or downstream station where homogeneous conditions are expected o Monitoring data >5 years old without further validation o BPJ based on land use data, location of sources	Low spatial and temporal coverage: o Quarterly or less frequent sampling with limited period of record (e.g., 1 day) o Limited data during key periods or at high or low flow (critical hydrological regimes)	Unknown/ low	210, 230, 840, 850, 870, 150, 170, 180
2	Any one of the following: o Water quality monitoring using grabwater sampling o Rotating basin surveys involving single visits o Synthesis of existing or historical information on fish contamination levels o Screening models based on loadings data (not calibrated or verified) o Verified volunteer monitoring data	Moderate spatial and temporal coverage: o Bimonthly or quarterly sampling at fixed stations o Sampling during a key period e.g. fish spawning seasons, high and/or low flow o Short period of record, a period of 4-days in a single season o Stream basin coverage, multiple sites in a basin	Low/moderate	211, 231, 530, 540, 222, 242, 610, 810
3	Any one of the following: o Water quality monitoring using grab water sampling o Rotating basin surveys involving multiple visits o Calibrated models (calibration data <5 years old) o Limited use of continuous monitoring instrumentation	Broad spatial and temporal coverage of site with sufficient frequency and coverage to capture acute events: o Three season, four-day sampling during key periods (e.g. critical hydrological regimes and fish spawning seasons), multiple samples at high and low flows. o Period of sampling adequate to monitor for chronic concerns o Lengthy period of record for fixed station sites (sampling over a period of years)	Moderate/high	231, 250, 530, 540, 550
4	All of the following: o Water quality monitoring using composite samples, series of grab samples, and continuous monitoring devices o Limited follow-up sediment quality sampling and fish tissue analyses at sites with high probability of contamination	Broad spatial coverage (several sites) and temporal (long-term, e.g. 5-years) coverage of fixed sites with sufficient frequency and parametric coverage to capture acute events, chronic conditions, and all other potential P/C impacts: o Three season four-day sampling during key periods (e.g., spawning, critical hydrological regimes) including multiple samples at high and low flows o Continuous monitoring (e.g. use of thermologs or other instrumental types of devices)	High	231, 250, 530, 540, 550

Table 4. Hierarchy of toxicological approaches and levels for evaluation of aquatic life use attainment.

LEVEL OF INFO	TECHNICAL COMPONENTS	SPATIAL/TEMPORAL COVERAGE	DATA QUALITY	WBS CODES
1	Any one of the following: o Acute or chronic WET o Acute ambient o Acute sediment	1-2 tests/yr or 1-2 samples tested in a segment or site	Unknown/Low; minimal replication used; laboratory quality or expertise unknown	510, 530, 550
2	Any one of the following: o Acute and chronic WET for effluent dominated system o Acute or chronic ambient	>4 tests/yr or 1-2 sites tested in a segment or site	Low/moderate - little replication sed within a site; laboratory quality or expertise unknown or low	510, 520, 540, 550, 260
3	The following: o Combination of acute or chronic ambient or acute sediment	>4 tests/year or 3 samples tested in a site	Moderate/high - replication used; trained personnel and good laboratory quality	510, 520, 510, 520, 540, 550, 260, 540, 550
4	The following: o Combination of acute and chronic ambient and acute sediment	4 tests/yr or >4 samples tested per segment	High - replication used; trained personnel and good lab quality	510, 520, 540, 550, 260,

Section C. Determination of Aquatic Life Use Support using more than one data type.

1. Biological data supersedes other data types (except toxic chemical data) and would be the basis for the use support determination.

2. Compile available data for a water segment and assign level of data quality for each data type.

3. Evaluate assessment results for each data type.

4. Make an overall use support determination based on the following guidelines.

Full Support	Biological and toxics data indicates full support; or all available data types indicate full support.
Full Support, Impacts Observed	Biological data or toxics data indicates full support, impacts observed; or three or more data types are available and only one data type is not full support, provided this data type is level 1 or 2 and not biological data or toxics data.
Partial Support or Not Supported	Biological data or toxics data indicates partial support or not supported. Otherwise, determination of partial support or not supported should be based on the nature and rigor of the data and site decisions.

Section D. Data Management Rules

1). For purposes of an evaluation, five and ten year data will be based on calendar years. The starting point for calculating periods is the last day of the year prior to the year the assessment is due.

2). There may be cases where there are multiple data values on the same day. If this occurs one should look at the times to determine how to use the data. If the sample times are □ 20 minutes apart they should be treated as replicates. In this case average the two values to obtain one value. If the samples were collected more than 20 minutes apart each data point should be counted as a separate measurement. One should then average the multiple data points to obtain a daily average.

3). Some STORET data may have an alpha code immediately next to it. This will usually be a K or Q but may be another code. These are called remark codes. A code of K means that the parameter was not detected and the detection limit for the analysis is given. For purpose of an assessment one should assume the concentration to be less than the criteria value. If a data point has a Q remark code it means that it exceeded the allowed holding time for that test. This data point should be considered questionable, and should not be included it in your assessment determination. A remark code of J (usually associated with fecal coliform tests) means that the value is based on best possible estimates. These values may be used in an assessment. A remark code of L means that the data was off-scale high. This data should be used for assessment purposes. If remarked data is used in an assessment it should be noted.

4). The situation of limited data sets for physical/chemical and fecal coliform parameters is addressed in the assessment tool. If there are fewer than six data points in the ten year time frame, the assessment is made based on the number of exceedences only (see tables 3 and 7).

5). There may be cases where there is an appropriate chronic criterion but there is no data for 4 consecutive days. If this occurs a chronic screening level of 1.5 times the chronic criterion will be used (see table 2).

GENERAL FLOWCHART FOR DETERMINING AQUATIC LIFE USE SUPPORT