



# New Mexico Environment Department

## Updates to the Water Quality Management Plan/Continuing Planning Process (WQMP/CPP)

Jennifer Fullam, Water Quality Standards Coordinator  
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# WQMP-CPP... What is it?

- ❑ Describes the processes the State uses to manage its water quality program.
- ❑ Fulfills state and federal requirements.
- ❑ Identifies the roles of the major participants in the State's water quality program.
- ❑ Provides a consistent approach for protecting and improving water quality





# WQMP Elements Required under 40 CFR 130.6

## **Nine required elements for the water quality management plan:**

1. A list of approved TMDLs.
2. Effluent limitations including water quality based effluent limitations and schedules of compliance.
3. Identification of anticipated municipal and industrial waste treatment works; programs to provide necessary financial arrangements for such works; establishment of construction priorities and schedules for initiation and completion of such treatment works.
4. The regulatory and non-regulatory programs, activities and Best Management Practices (BMPs) to control nonpoint source pollution.
5. Identification of agencies necessary to carry out the WQMP and provision for adequate authority for intergovernmental cooperation.
6. Identification of implementation measures necessary to carry out the WQMP.
7. Identification and development of programs for the control of dredge and fill material.
8. Identification of any relationship to applicable basin plans.
9. Identification and development of programs for control of ground water pollution.



# CPP Elements Required under 40 CFR 130.5

## **Nine required elements for the Continuing Planning Process:**

1. Process for developing effluent limitations and schedules of compliance.
2. The process for incorporating elements of any applicable areawide waste treatment plans, and applicable basin plans.
3. The process for developing TMDLs and individual water quality based effluent limitations for pollutants.
4. The process for updating and maintaining WQMPs, including schedules for revisions.
5. The process for assuring adequate authority for intergovernmental cooperation in the implementation of the WQMP.
6. The process for establishing and assuring adequate implementation of new or revised WQS, including schedules of compliance.
7. The process for assuring adequate controls over the disposition of residual waste from water treatment processing.
8. The process for ranking and prioritizing needs for construction of waste treatment works.
9. The process for determining the priority of permit issuance.



# How the WQMP/CPP is updated

## □ **Frequency**

- ▣ The WQMP/CPP is considered a living document
- ▣ No set schedule or requirements for updates, but
- ▣ Should be updated as processes change
- ▣ Periodic review by EPA (40 CFR 130.5)

## □ **Process**

- ▣ Identify needs
- ▣ Cross-reference changes are supported by federal and state regulations
- ▣ Outreach
- ▣ Minimum 30-day public comment period
- ▣ Present updates to WQCC at a regularly scheduled open meeting
- ▣ Approval by the WQCC and EPA



# Last Revision – 2011

- Consolidated WQMP and CPP into one document
- Incorporated new developments:
  - Adoption of WQS amendments, including new regulations for Section 401 certifications of NPDES and Dredge/Fill permits
  - Update of Nonpoint Source Management Program
  - Development of a Wetlands Program
  - Adoption of Underground Injection Control (UIC) regulations
  - Creation of Water Cabinet focused on Water and Wastewater Infrastructure
  - Added Hydrology Protocol as an Appendix and explained how it is used to distinguish between ephemeral, intermittent, and perennial streams
- Other Updates:
  - References and citations
  - Program descriptions
  - WQS amendments
  - Completion of the Total Maximum Daily Load (TMDL) settlement agreement requirements
  - Improve process description for establishing TMDLs





# Updates prior to 2011

## 1970s

- March 1976 CPP initially adopted
- October 1978 WQMP initially adopted
- May 1979 WQMP
- October 1979 WQMP

## 1980s

- October 1980 WQMP
- May 1982 WQMP
- September 1983 WQMP
- August 1984 WQMP
- October 1985 WQMP
- April 1986 WQMP
- September 1988 WQMP
- September 1989 WQMP

## 1990s

- July 1998 CPP

## 2000s

- December 2002 WQMP
- May 2003 WQMP
- December 2004 CPP
- November 2010 WQMP



# Goals of this Update

## **I. Functionality**

- ❑ Evaluate
- ❑ Enhance accessibility
- ❑ Enhance usability

## **II. Meets Federal Requirements**

- ❑ Evaluate
- ❑ Revise as applicable

## **III. Incorporate Changes and New Protocols**

- ❑ Update current and applicable protocols
- ❑ Incorporate any new protocol essential to maintain implementation of programs (existing or foreseen as a need to implement)
- ❑ Update citations, regulations and references
- ❑ Fix any typographical errors and make any necessary grammatical corrections





# Scoping Survey

## Survey with 9 questions

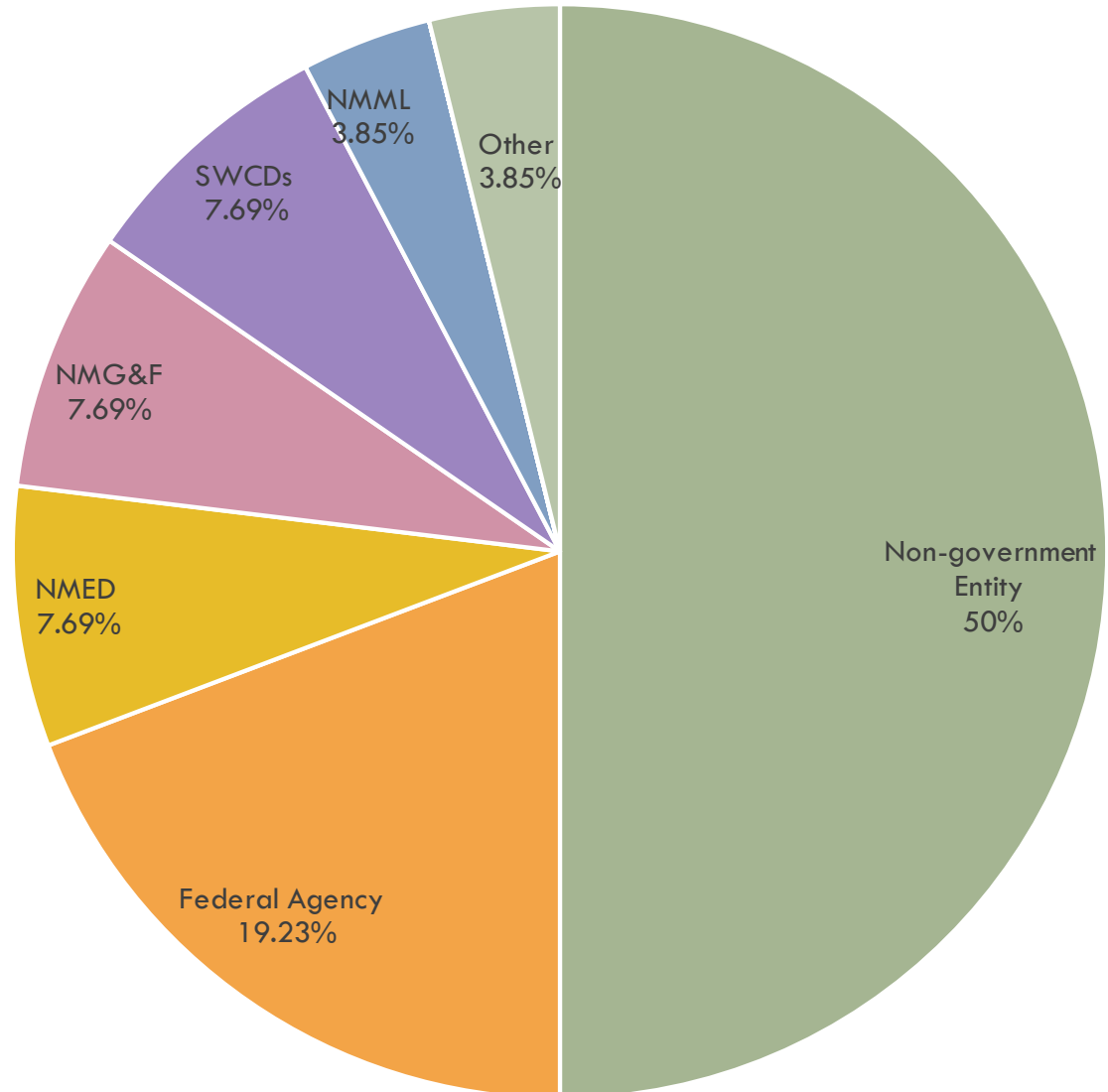
- Functionality of WQMP/CPP
- Needs for Changes
- Stakeholder Identification

## Sent to 1708 individuals via email

- GovDelivery Subscribers
- Supplemental list from Nonpoint Source Management Plan Outreach
- Other individuals and entities

## Responses

- 25 respondents
- 13 identified as stakeholders





# Goal I. Functionality

## Survey

- ❑ 1708 recipients
- ❑ 26 respondents



## Internal Dialogue with Staff

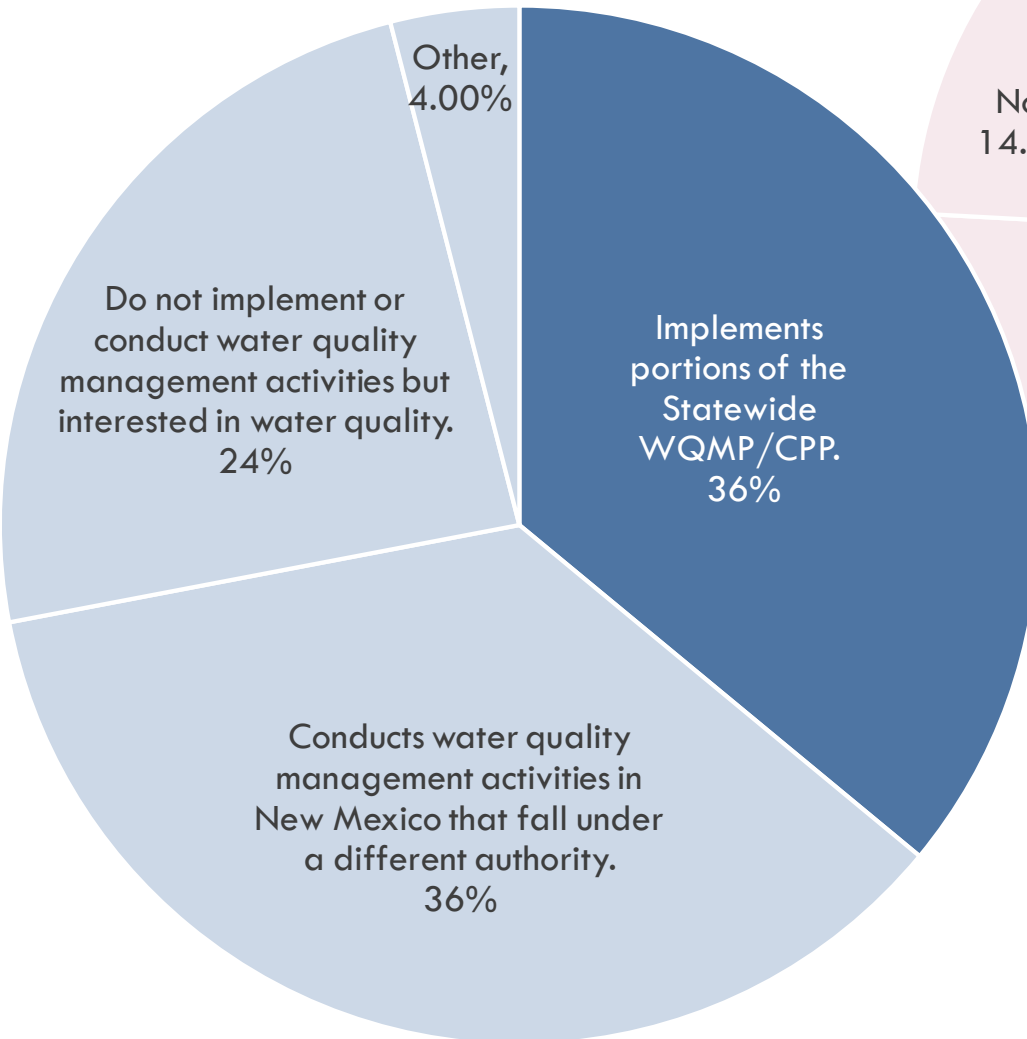


## Findings and Actions to Enhance Functionality

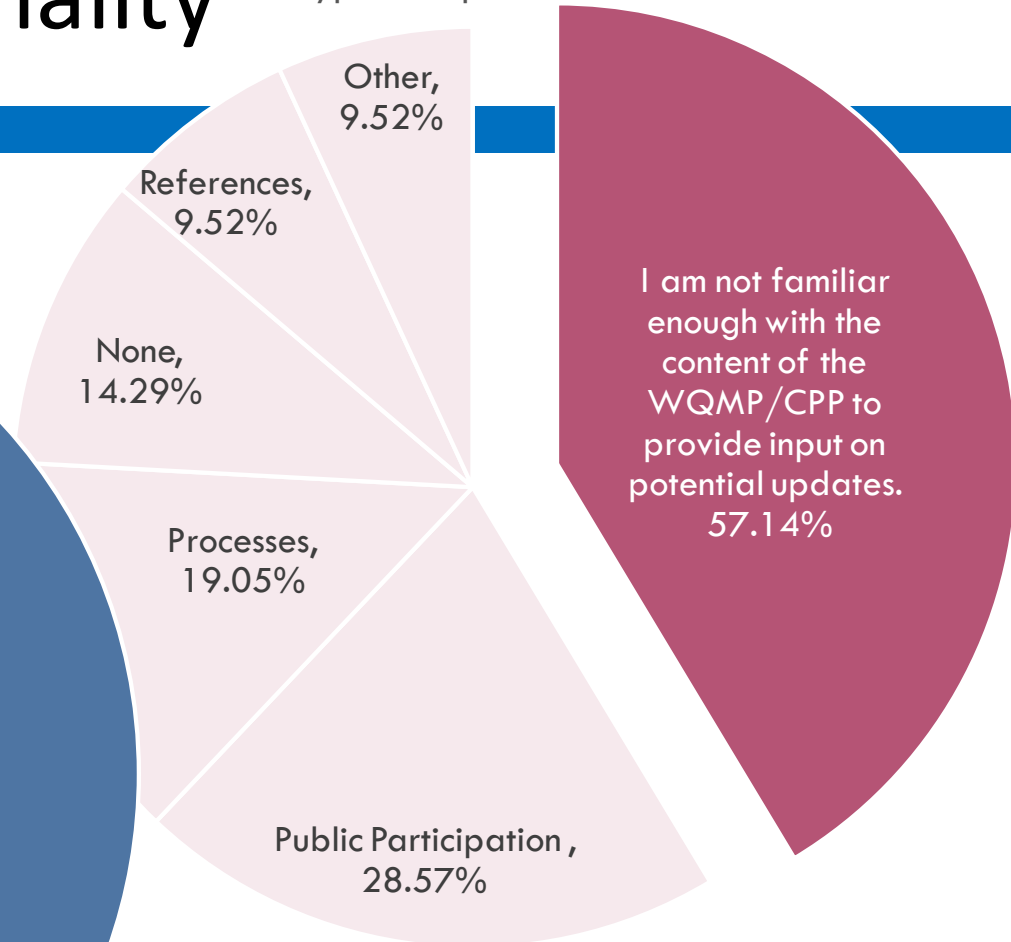
- ❑ Redeveloped website to enhance accessibility and provide more background and history
- ❑ Currently developing a process for biennial review which will include engagement with staff
- ❑ There is a need to provide regular and meaningful education and engagement on the WQMP/CPP with the public



# Goal I. Functionality



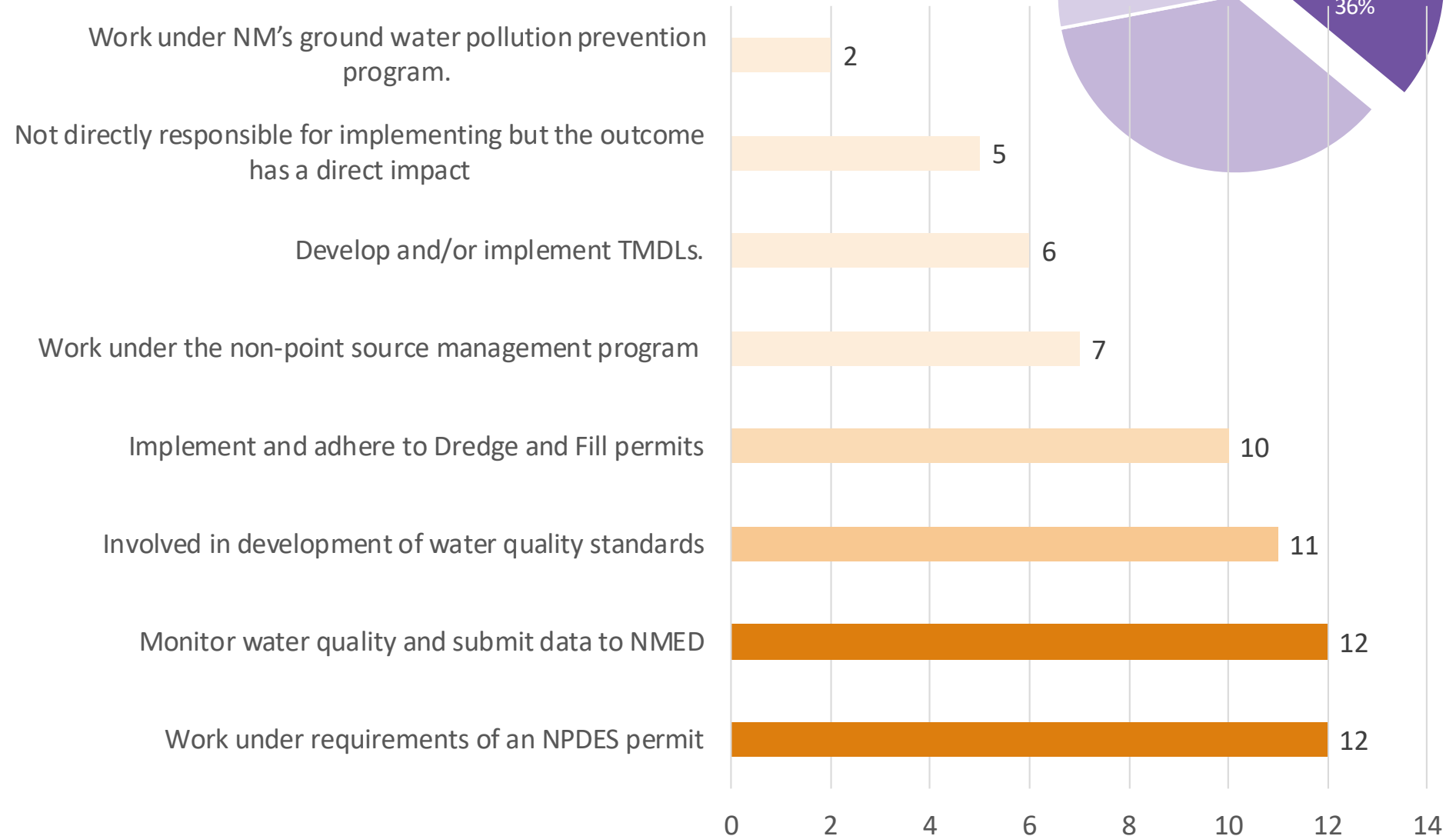
Types of Updates Needed







# Respondents who implement portions of WQMP-CPP





# Goal II. Meets Federal Requirements

- Monthly internal SWQB workgroup meetings
- Key state and federal requirements that were evaluated and cross-referenced
  - Section 303 of the CWA
  - Section 208 of the CWA
  - State Rules Act
  - State Water Quality Act (74-6 NMSA 1978)
  - 40 CFR 130.5
  - 40 CFR 130.6
  - 40 CFR 25.4
  - 20.6.4 NMAC Standards for Interstate and Intrastate Surface Waters
  - 20.6.2 NMAC Ground and Surface Water regulations
  - 20.1.6 NMAC Rulemaking Procedures-Water Quality Control Commission
  - 1.24 NMAC General Rules Regulations
- Only minor clarifications were needed
  - XIV. Public Participation was updated to more accurately reflect the federal requirements under 40 CFR 25.4 and the State Rules Act.



# Goal III. Incorporate Changes/Updates

- Reformatted and reorganized for consistency and clarity.
- Corrected grammatical and typographical errors for readability and functionality.
- Updated citations, regulations and references for usability.
- Updated current protocols and procedures in Section II, III, IV, V, VIII, XIII, and Appendix C (Hydrology Protocol).
- Incorporated the Wetland Program into nonpoint source section of the WQMP/CPP

*All of the major changes were summarized in a cross-walk to assist the WQCC, public and users.*





# Goal III. Incorporate Changes/Updates

- Incorporated new developments that have occurred since the last revision
- Section II. Surface Water Quality Standards- Adopting or Revising a Temporary Water Quality Standard was added
- Major update of the Antidegradation Policy Implementation Procedure (APIP; Appendix A)



# Updates to Appendix A: Antidegradation Policy Implementation Procedure

- ❑ Process for identifying protection level (“Tier”) that applies
- ❑ Procedures for determining baseline water quality
- ❑ Approaches for assessing water quality degradation (determining significant degradation)
- ❑ Procedures for identifying and assessing less degrading or non-degrading alternatives for Tier 2 review
- ❑ Procedures for determining social and economic importance to justify significant degradation of a Tier 2 water
- ❑ Process for intergovernmental coordination & public participation
- ❑ Inclusion of additional supporting documents (e.g., cost comparison of alternatives; social and economic importance worksheet; economic and environmental impact categories)



# Tribal Outreach

- In accordance with the NMED Tribal Collaboration and Consultation Policy engaged with Tribes by:
  - Sending out a questionnaire to Tribal Environment Department Directors via Tribal Liaison on 02.15.2018
    - If the WQMP/CPP poses any impacts on implementation of Tribal Water Quality Programs
    - If there are changes or concerns that should be addressed or considered in this update
    - What level of participation or interest is there
    - If interested in meeting with the Department
  - Sending out the scoping survey which included 24 individuals affiliated with 18 tribes
  - Sending public notice of the draft WQMP/CPP to Tribal Environment Department Directors via Tribal Liaison on 11.22.2019
- Only two responses were received from scoping survey





# General Public Engagement Requirements under 40 CFR 25.4

1. Provide the public with the information and assistance necessary for meaningful involvement.

- ❑ Public Involvement Plan (PIP)

2. Provide a central location of reports, studies, plans, and other documents:

- ❑ Hard copy available at SWQB in Santa Fe
- ❑ Placed notice of draft on NMED calendar
- ❑ Placed in SWQB webpages (public notices, main page and WQMP page)

3. Maintain a stakeholder list of affected/interested parties.

## Surface Water Quality

[SWQB Home](#)

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[Report a Spill](#)

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[Non-emergency Environmental Notification / Complaints](#)

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[Contact Us](#)

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[Monitoring, Assessment & Standards Section](#)

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[Point Source Regulation Section](#)

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[Watershed Protection Section](#)

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[New Mexico Wetlands Program](#)

### 2020 Water Quality Management Plan/Continuing Planning Process

**Executive Summary:** The changes being proposed during the 2020 WQMP/CPP update included:

- Incorporating changes and new developments that have occurred since the last revision
- Update the Antidegradation Policy Implementation Procedure (Appendix A)
- Incorporate the Wetland Program (Previously Section XV) into regulatory mandated portions of the WQMP/CPP
- General updates to program descriptions and citations

\*Appendix B to the Surface Water Quality Bureau's WQMP/CPP is updated independently of the WQMP/CPP as TMDL's are approved by the WQCC and EPA.

Document	Author	Date
<a href="#">Draft WQMP/CPP (without Appendices)</a>	SWQB	11.22.2019
<a href="#">Draft Appendix A-Antidegradation Policy</a>	SWQB	11.22.2019
<a href="#">*Draft Appendix B-TMDL</a>	SWQB	*Not Applicable
<a href="#">Draft Appendix C-Hydrology Protocol</a>	SWQB	11.22.2019
<a href="#">Draft Appendix C-Hydrology Protocol Field Sheet</a>	SWQB	11.22.2019
<a href="#">Public Comment Notice</a>	SWQB	11.22.2019



# General Public Engagement Requirements under 40 CFR 25.4

Notify stakeholders in a timely fashion prior to consideration of major decisions.

(generally should not be less than 30 days)

- ❑ Communicated with stakeholders prior to drafting updates
- ❑ Notification to stakeholders and the public of 45-day public notice
- ❑ Notification of extension of public comment period for additional 30 days (total of 75 days)



# Entities Submitting Comment (195)

- Amigos Bravos with undersigned organizations (77)
- EPA Region 6 (38)
- Los Alamos National Laboratory (31)
  - N3B (8)
  - Triad National Security (23)
- GEI-Chevron Mine (19)
- San Juan Water Commission (18)
- New Mexico Municipal League (12)
- NMED-various grammatical and typographical corrections



# Summary of Comments

- ❑ Overall 195 Comments
- ❑ Comments in support (9)
- ❑ Comments with no requested change (4)
- ❑ Requested additional review or proposed change (182)
  - ▣ WQMP/CPP (38)
  - ▣ Appendix A (102)
  - ▣ Appendix B (0)
  - ▣ Appendix C (42)



# Response to Comments

- Completed and sent out to submitters on 05.26.2020
- Attached as part of submittal for WQCC review

**Response to Comments on the  
November 22, 2019 Draft of  
Water Quality Management Plan and Continuing Planning Process**  
Prepared by the NMED Surface Water Quality Bureau  
May 20, 2020

On November 22, 2019 the Surface Water Quality Bureau ("SWQB") released for public comment a draft Water Quality Management Plan and Continuing Planning Process ("WQMP/CPP"). The 75-day public comment period closed on February 5, 2020.

Comments were summarized by Jennifer Fullam, Water Quality Standards Coordinator for the New Mexico Environment Department ("NMED") SWQB on May 20, 2020. The SWQB received seven responses as listed below.

**Comments and SWQB Response**

Amigos Bravos et al. ("Amigos Bravos"), Taos, New Mexico .....	2
U.S. Environmental Protection Agency Region 6 ("EPA R6"), Dallas, Texas.....	30
GEI Consultants on behalf of Chevron Mining Inc-Questa Mine ("GEI-CMI"), Questa, New Mexico.....	40
N3B-Los Alamos & Tech2Solutions ("N3B"), Los Alamos, New Mexico .....	45
New Mexico Municipal League ("NMML"), Santa Fe, New Mexico .....	48
San Juan Water Commission ("SJWC"), Farmington, New Mexico .....	52
Triad National Security, LLC ("Triad"), Los Alamos, New Mexico .....	58

**Full Comment Sets –Attached**





# Conclusions

- ❑ The functionality of WQMP/CPP has been improved
  - ❑ Readability
  - ❑ Accessibility online
  - ❑ Processes streamlined and directly associated with regulations
- ❑ Meets Federal Requirements
- ❑ Updates to the current WQMP/CPP
  - ❑ Protocols have been updated to reflect current practices
  - ❑ Updates to citations, regulations and references have been made throughout the document
  - ❑ Typographical errors and grammatical corrections have been made throughout document
  - ❑ Formatting is now consistent throughout document

# Questions