



**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive, Suite S-2102
Santa Fe, New Mexico 87505
Phone: (505) 827-2428**

CONSTITUENT AGENCIES

Environment Department	State Engineer & Interstate Stream Commission
Game and Fish Department	Oil Conservation Division
Department of Agriculture	Department of Health
State Parks Division	Soil and Water Conservation Commission
Bureau of Geology and Mineral Resources	Members-at-Large

May 21, 2020

Ken McQueen
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1201 Elm St., Suite 500
Dallas, TX 75270

Re: Request for EPA's review and approval of the City of Raton Wastewater Treatment Plant's temporary standard for nutrients in Colfax County, New Mexico

Dear Administrator McQueen:

Pursuant to 40 CFR §131.20 the New Mexico Environment Department (Department) hereby submits the following amendments to the *Standards for Interstate and Intrastate Surface Waters* 20.6.4 New Mexico Administrative Code (NMAC), which will become effective for state purposes on May 22, 2020.

In collaboration and cooperation with the U.S. Environmental Protection Agency (EPA) Region 6, EPA Headquarters, EPA contractors, and the City of Raton, the Department prepared a discharger-specific nutrient temporary standard (identified as a water quality standard variance under 40 CFR 131.14) demonstration for the City of Raton Wastewater Treatment Plant (WWTP) in Colfax County, New Mexico. The discharger-specific temporary standard demonstration evaluated the conditions preventing attainment of plant nutrient threshold concentrations (total nitrogen and total phosphorus) for discharges from the City of Raton's WWTP to Doggett Creek.

The Department solicited public participation on the proposed amendments from October 1 through October 31, 2019. Subsequently, the Department petitioned the Water Quality Control Commission (WQCC) for a hearing on the proposed amendments on November 12, 2019. Public notice of the hearing was published in the Taos News on December 26, 2019, in the Santa Fe New Mexican on December 30, 2019 and in the New Mexico Register on December 31, 2019. The Department notified the State's Legislative Council Service, and the Small Business Regulatory Advisory Commission, in compliance with the Small Business Regulatory Relief Act. In addition, the Department posted the notification on the Department's website and the State's "Sunshine Portal."

The WQCC held a public hearing on March 10, 2020, during which the Department presented technical testimony in support of the proposed rulemaking. No other party entered an appearance in this matter. The City of Raton testified at the hearing in support of the temporary standard. The WQCC deliberated on March 10, 2020 and voted unanimously to adopt the amendments as proposed. The

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rule was filed with the State Records and Archives and will become effective for State purposes on May 22, 2020.

In accordance with 40 CFR §131.20, the State of New Mexico hereby submits the discharger-specific nutrient temporary standard amendment for EPA review and approval under the federal Clean Water Act. Included in this submission and enclosed for your consideration is the Department's demonstration supporting the discharger-specific nutrient temporary standard, which includes the elements required for submission under 40 CFR 131.14, the WQCC hearing transcripts from March 10, 2020, the WQCC's Final Order and Statement of Reasons supporting and approving the amendments, and the New Mexico Attorney General's certification that the rule was adopted in accordance with the laws of the State of New Mexico.

We look forward to hearing from you and your staff about this submission. If you have questions or concerns, please feel free to contact Jennifer Fullam at (505) 827-2637.

Sincerely,

Jennifer J. Pruett, Chair
New Mexico Water Quality Control Commission

Encl.: Demonstration Supporting Nutrient Temporary Standards for the City of Raton Wastewater Treatment Plant;
WQCC No. 19-46(R) Hearing Transcripts from March 10, 2020;
WQCC No. 19-46(R) Order and Statement of Reasons dated April 7, 2020;
20.6.4 NMAC with amendments effective May 22, 2020; and
New Mexico Attorney General's Certification

Cc:

Charles Maguire, Division Director, Water Quality Division, United States Environmental Protection Agency, 1445 Ross Ave., Dallas, Texas 75202 (via email to maguire.charles@epa.gov)
Richard Wooster, Water Quality Division, United States Environmental Protection Agency, (via email to wooster.richard@epa.gov)
Russell Nelson, Water Quality Division, United States Environmental Protection Agency, (via email to nelson.russell@epa.gov)
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Rebecca Roose, Director, Water Protection Division, New Mexico Environment Department (via email to roose.roose@state.nm.us)
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Kris Barrios, Program Manager, Monitoring, Assessment and Standards Section Manager, Surface Water Quality Bureau, New Mexico Environment Department (via email to kristopher.barrios@state.nm.us)
Jennifer Fullam, Standards Planning and Reporting Team Leader, Surface Water Quality Bureau, New Mexico Environment Department (via email to jennifer.fullam@state.nm.us)