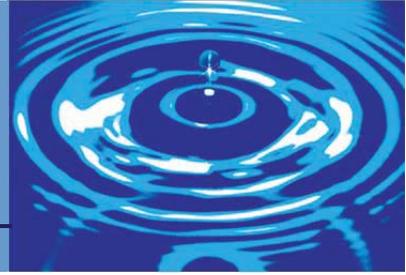




State of New Mexico
Water Quality Control Commission



FINAL
2016 - 2018
State of New Mexico
Clean Water Act
Section 303(d)/Section 305(b)
Integrated
Report

APPENDIX C –
Response to Comments



Prepared by:
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RESPONSE TO COMMENTS
ON THE
2016-2018 STATE OF NEW MEXICO
CLEAN WATER ACT
§303(d)/§305(b)
INTEGRATED LIST OF ASSESSED SURFACE WATERS

April 22, 2016

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PLEASE NOTE:

Original typed letters that were not received electronically were scanned and converted to MSWord. Letters received electronically were also converted to MSWord. All text was converted to Arial 11 font with standard page margins for ease of collation. Contact information such as phone number, street addresses, and e-mail addresses from private citizens were removed for privacy reasons. All original letters of comment are on file at the SWQB office in Santa Fe, NM.

COMMON ACRONYMS

AP	Assessment Protocol
AU	Assessment Unit
BLM	U.S. Bureau of Land Management
BMP	best management practice
C	Celsius
CWA	Federal Water Pollution Control Act, 33 U.S.C. 1251 <i>et seq.</i> "Clean Water Act"
CWAL	coldwater aquatic life
DDT	dichlorodiphenyltrichloroethane
DO	dissolved oxygen
EPA	Environmental Protection Agency
GIS	Geographical Information System
HUC	Hydrologic Unit Code
IP	Individual Permit
IPSP	Industrial Point Source Permit
IR	Integrated Report
LANL	Los Alamos National Labs
LANS	Los Alamos National Securities
LID	Low Impact Development
MCWAL	marginal coldwater aquatic life
mg	milligrams
MSGP	Multi Sector General Permit
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NPDES	National Pollutant Discharge Elimination System
NPS	Non Point Source
NTU	Nephelometric Turbidity Units
PCB	polychlorinated biphenyls
QAPP	Quality Assurance Project Plan
QA/QC	quality assurance/quality control
ROD	Record of Decision (for the 303(d) list)
SOP	standard operating procedure
SQUID	SWQB's Surface Water Quality Information Database
SWMU	Solid Waste Management Unit
SWQB	Surface Water Quality Bureau
TAL	Target Action Level
TMDL	Total Maximum Daily Load
TN	Total Nitrogen
TP	Total Phosphorous
UAA	Use Attainability Analysis
USFS	United States Forest Service
USGS	United States Geologic Survey
WQ	Water Quality
WQCC	Water Quality Control Commission
WQC	Water Quality Criterion
WQS	Water Quality Standards
WQX	Water Quality Exchange
WWAL	Warmwater Aquatic Life
WWTP	Wastewater Treatment Plant

MINOR CHANGES TO THE DRAFT 2016-2018 INTEGRATED REPORT, LIST (Appendix A of the Integrated Report), AND ASSOCIATED RECORD OF DECISION (ROD) BASED ON ADDITIONAL SWQB STAFF REVIEW DURING THE COMMENT PERIOD:

1. The Record of Decisions (ROD) for **Santa Fe River (Guadalupe St to Nichols Rsvr), AU ID NM-9000.A_062**, was clarified to the following:
2016 Action: This AU was sampled during the Middle Rio Grande Tribs (2014) survey, as well as for limited parameters 2012-2013. There were 3/11 E. coli, and 3/11 chronic and 1/11 acute total rec. aluminum exceedences. Therefore, E. coli and chronic total recoverable aluminum were added.
2. The ROD for **Santa Fe River (Nichols Reservoir to headwaters), AU ID NM-2118.A_21**, was modified to the following:
2016 Action: This AU was sampled during the Middle Rio Grande Tribs (2014) survey. There were 2/5 chronic total recoverable aluminum exceedences at station above McClure (no total aluminum data were collected at the station above Nichols). Therefore, chronic total recoverable aluminum was added as a cause of impairment. Segment-specific total recoverable aluminum criteria may be warranted as this is a closed (i.e., no public access or land use) municipal drinking water supply watershed with naturally low hardness. Therefore, this AU is noted as IR Category 5B.
3. The ROD for **Rio Penasco (Perennial prt Pecos River to HWY 24), AU ID NM-2206.A_10**, was modified to the below because the “full support” sedimentation assessment results were inadvertently not entered into the assessment database prior to public comment. As a result, the IR Category also changed from 5A to 1:
2016 Action: A level 2 nutrient survey was completed. No response variables (DO or chlorophyll) indicated impairment. Sedimentation surveys at station Rio Penasco at Helena Road blw USGS Gage 08397620 (59RPenas090.0, xeric sediment class) on 9/26/2012 and 10/24/2012 documented 13.3 and 37.1 percent fines, respectively. Therefore, sedimentation was removed as a cause of impairment.
4. The ROD for **Rio Ruidoso (Carrizo Ck to Mescalero Apache bnd), AU ID NM-2209.A_20**, was clarified to the following:
2016 Action: A level 2 nutrient survey was completed. No response variables (DO or chlorophyll) indicated impairment. There were 0/2 segment-specific TP exceedences taken two weeks apart in July 2014 at two stations in the AU. Assessment of the combined 2012 – 2014 TP dataset covering multiple parts of the hydrograph continues to indicate TP impairment.
5. The temperature TMDL Approval Date for **Rio de las Vacas (Rio Cebolla to Clear Creek), AU ID NM-2106.A_40** was corrected to 6/2/2003.
6. The AU name “Rio San Jose (Horrace Springs to Grants BNSF RR crossing)”, AU ID NM-9000.A_003 was changed to **Rio San Jose (non-tribal HWY 117 to Grants BNSF RR crossing)** to acknowledge the Acoma Pueblo portions in this AU.
7. Summary values in Tables 2, 9, and 11, and associated Integrated Report text, were updated with the most recent values in SWQB’s assessment database (SQUID).

COMMENT SET 1 – Amigos Bravos, Taos, NM

March 17, 2016

Via Electronic Mail: lynette.guevara@state.nm.us

RE: Draft 2016-2018 303(d)/305(b) Integrated Report

Dear Ms. Guevara,

Amigos Bravos is a statewide water conservation organization guided by social justice principles. Our mission is to protect and restore the waters of New Mexico. Amigos Bravos works locally, statewide, and nationally to ensure that the waters of New Mexico are protected by the best policy and regulations possible. The 303(d)/305(b) list is a critical component of our work to protect clean water and the communities that depend upon clean water in New Mexico. We would like to communicate the following comments regarding the draft 2016-2018 303d/305b Integrated Report and List ("Report").

1. There is Confusion Regarding Terminology and Totals for Stream Miles, Assessed Miles, and Impaired Miles.

Amigos Bravos continues to find the language that talks about stream miles, assessed miles and impaired miles in New Mexico confusing. For example, in the Executive Summary on page xi the Report states: "From the approximately 7,648 stream miles reported in [the] New Mexico Integrated 303(d)305(b) List...". This reference to 7,648 stream miles is confusing for several reasons. First, this is the only place in the report that this 7,648 number appears. There is not a description of what these stream miles are or how the 7,648 number was generated. While Amigos Bravos was able to add up the miles from the second column in Table 9 on page 56 to get to the 7,648 number, and while we think it is referring to total assessed miles, we are still a bit confused since Table 9 includes 1,382 miles in IR category 3, which is the category that includes waters for which there is either no data or not enough data to make a clear determination on impairment status. It is unclear how IR category 3 waters (or at least the subset of IR category 3 waters for which there is no data) are different from all the other unassessed stream miles in the state. Therefore we believe that IR category 3 should include more than 100,000 stream miles. Second, aren't all the 108,649 miles of rivers and streams in New Mexico reported in the Report? For example, water quality protection programs, water quality standards, and water quality regulations that are summarized in the report apply to all streams, not just the 7,648 miles of assessed streams. Therefore stating that there are only 7,648 miles that are reported in the Report, as it does on page xi, is confusing and inaccurate. Amigos Bravos suggests several solutions:

- a. Additional language in xi should be added that clarifies that of the 108,649 miles of streams in New Mexico, 7,648 have been assessed, though as we describe further below it would be more accurate to minus out the IR category 3 waters and say that 6,266 miles have been assessed. Of these 7,648 (or 6,266) assessed miles, nearly 4,116 miles (54%) have been found to be not meeting at least one water quality standard (also called impaired.)

SWQB RESPONSE: *Clarity has been added to page ix of the Executive Summary. The stream mile percentage, which includes IR Category 3 assessment units, is accurate because this section states*

they were based on “...stream miles reported in New Mexico’s Integrated 303(d)/305(b) List.” This underlined statement has been added to the sentence with the lake percentage as well for clarification. A sentence was also added to clarify that SWQB’s ambient monitoring and assessment program focuses primarily on perennial waters.

- b. A general summary of the different terms like “assessed”, “impaired”, “impairments”, “designated uses” would be helpful and could be added into the Executive Summary.

SWQB RESPONSE: *SWQB does not believe the Executive Summary is the appropriate location for a general summary of these terms. Language was added to the beginning of Part A to clarify these interrelated terms.*

- c. Total columns/rows should be added to many of the tables and figures. For example Tables 9 and 11 should have a total row at the bottom for columns 2 and 3.

SWQB RESPONSE: *“TOTAL” rows have been added to the bottom of Tables 9 and 11. Other values in these tables were also updated based the final draft assessment conclusions housed in SQUID and presented in the final draft Appendix A (i.e., Integrated List).*

- d. A row that lists the total number of assessed miles (7,648 miles, or as we propose 6,266 miles) should be added to Figure 1.

SWQB RESPONSE: *SWQB disagrees. Figure 1 is a conceptual graphic intended to show the relationship between the IR Categories, CWA 303(d) list, and impairment status. Information regarding the results of this assessment, including the total number of reported stream miles, can be found in Tables 9 -10, and Figure 12.*

- e. A row that lists the total number of assessed lake/reservoir acres should be added to Figure 1.

SWQB RESPONSE: *SWQB disagrees. Figure 1 is a conceptual graphic intended to show the relationship between the IR Categories, CWA 303(d) list, and impairment status. Information regarding the results of this assessment, including the total number of reported lake/reservoir acres, can be found in Tables 11-12, and Figure 14.*

2. Clarity Regarding Changes to Total Lake Acreage and Assessed Streams Miles is Requested.

Amigos Bravos is unclear why total Lake/Reservoir acreage in the Report (94,415 acres) has changed so drastically from the total Lake/Reservoir acreage reported in the Final 2014 - 2016 Report (108,905 acres). In addition, Amigos Bravos is unclear why assessed miles has decreased from those reported in the 2014-2016 Final Report. The 2016-2018 Report has 7,648 total examined miles in table 9, while the 2014-2016 Final Report has 7,710 examined miles listed in table 9. While this is not a huge difference, it is confusing since we would expect the number of examined miles to increase, not decrease.

SWQB RESPONSE: *Revisions to the overall surface water statistics in Table 2 between the final 2014 IR and public comment draft 2016 IR were the result of a preliminary GIS re-analysis by current NMED*

IT staff. This re-analysis was requested because the GIS staff person who did the original analysis has since retired, and we were unable to replicate the 2014 IR surface water statistics in Table 2. A more comprehensive GIS re-analysis has now been completed by NMED IT staff, using the most recent GIS coverages and tools available. The revised values are based on flowline lengths and waterbody areas in the USGS National Hydrography Dataset (NHD) Plus V2 (USGS 2012). Land ownership was determined using the Bureau of Land Management surface ownership coverage dated 12/28/15. This most recent analysis resulted in corrections to all stream and lake/reservoir sizes in Table 2, as well as 65 specific lake/reservoir acreages in Appendix A (i.e., the Integrated List) and subsequent revisions to Tables 11-12 and Figure 14. Table 2 footnotes were updated to document exactly how these revised values were determined.

Assessment Units reported in Appendix A do not cover every waterbody in the NHD dataset, nor are they expected to in a state like New Mexico where the vast majority of waterbodies are ephemeral. With respect to lake and reservoir reporting, CWA 303(d)/305(b) Integrated Reporting Guidance requires reporting on “significant” lakes and reservoirs. Lake/reservoir acreages in revised Table 2 and Appendix A include significant, publicly-owned high-altitude natural lakes, playa lakes, and sink holes as well as man-made lakes and reservoirs. As an extra step in this most recent analysis, NMED IT staff compared large reservoir acreages reported in NHD Plus V2 against 2014 satellite images to ensure no significant differences. Actual acreage of any specific reservoir that is based on GIS coverages and associated satellite images can vary greatly at any given time depending on hydrologic conditions, water releases, etc., at the time the acreage was determined. SWQB believes the 197 reported lakes and reservoirs in the Integrated List, totaling 89,073 acres, cover significant, public lakes and reservoirs reporting in New Mexico.

Stream mileages in revised Table 2 include both public and private non-tribal stream miles in NHD Plus V2. FType and FCode fields in NHD Plus V2 were used to determine perennial vs. non-perennial estimated mileage. With respect to the difference between the total miles reported in the final 2014-2016 Integrated List vs. the 2016-2018 Integrated List, refining individual stream/river assessment unit definitions and associated miles in our assessment database is an on-going process, based on GIS line work using the most current GIS coverages/tools combined with field observations and verification against available satellite images. The total number of reported miles in Table 9 changed due to the revision of individual AU stream mileages using this process.

3. Clarity Regarding Impairment Percentages is Needed.

The percentages cited on page xi of impaired streams (54%) and lakes (67%) are misleading. First of all these percentages are based on stream miles and lake acreage that include IR category 3 waters (which are waters for which there is not enough data to make a determination if water quality standards are being met). To accurately represent the percentage of impaired assessed streams and lakes, the IR category 3 stream miles should be subtracted from the total before calculating percentages. This is especially critical for lakes and reservoirs, as 21,446 acres of the state’s total 94,415 acres fall into IR category 3. If IR category 3 stream miles and lake acreage are subtracted, the percentage of impaired streams and lakes changes drastically to 65% and 86% respectively. Second, statements that are made about impairment percentages should clarify that these percentages are based on total waters that were assessed, not on overall total state miles/acreage. Amigos Bravos believes it would be useful to include a table or chart that lists: overall total state stream miles and lake acreage, total assessed stream miles and lake acreage, percentage of impaired miles and acreage to total state miles and acreage, and percentage of assessed miles and acreage to total miles and acreage. Note, as outlined above, we do not believe that IR category 3 waters should be included in the total of assessed miles.

SWQB RESPONSE: *Clarity has been added to page ix of the Executive Summary. The stream mile percentage, which includes IR Category 3 assessment units, is accurate and not misleading because this section states they were based on “...stream miles reported in New Mexico’s Integrated 303(d)/305(b) List.” This underlined statement was added to the sentence with the lake percentage as well for clarification. A sentence was also added to clarify that SWQB’s ambient monitoring and assessment program focuses primarily on perennial waters.*

4. 4b IR Designation for Sandia Canyon

During the last listing cycle Amigos Bravos opposed changing the IR designation for copper impairment in Sandia Canyon on LANL property (segment that flows from NPDES outfall 001 to Sigma Canyon, AU NM-9000.A_047) from IR category 5 to IR category 4b. This change in designation removed the requirement to develop a TMDL for this assessment unit. Amigos Bravos’ main concern with this change was the assumption made in the proposal that existing pollution control requirements and regulatory mechanisms that were either planned or in place, were both adequately monitored and were reasonably expected to result in attainment of the applicable water quality criterion in the near future. We hold that this was not the case and still is not the case. While the final 2014-2016 List officially designated this new 4b segment and included a lengthy section about the details and requirements of this new segment, the new Report fails to mention this process in any detail and does not include a summary of the progress to date. Amigos Bravos requests that a summary/short progress report be provided in the 2016- 2018 Report.

SWQB RESPONSE: *The establishment of New Mexico’s first IR Category 4b demonstration was a significant activity during the 2014-2016 IR cycle, which is why the 2014-2016 IR included a separate section on this topic. The Preface to the draft 2016-2018 Integrated List (Appendix A) has a paragraph on this IR Category 4b demonstration, including a link to a dedicated web site where LANS’ 2015 progress report is posted. This same information was also provided on page 177 of the Integrated List (Appendix A) under the respective Assessment Unit. In addition, LANS has provided the following update:*

“In the Category 4b submission of August 27, 2014 the Laboratory’s execution of a storm water management plan was identified as key for addressing non-point source contamination. The plan, in part, called for identifying storm water runoff locations, quantifying runoff volumes, identifying potential pollutant sources affecting water quality, and assisting in the identification of appropriate Best Management Practices and control measures for both current and future sites and activities.

On March 6, 2015 EPA issued a preliminary determination that discharges of storm water from MS4s on Laboratory property result in or have the potential to result in exceedances of state water quality standards. The preliminary designation applies to MS4s within the Laboratory. Consequently, the Laboratory determined it was necessary to suspend development of the Storm Water Management Plan pending final approval of the MS4 Permit.

On January 22, 2016 NMED and DOE reach a settlement agreement to resolve issues as they relate to the incident at WIPP. The settlement agreement calls for a number of corrective actions and Supplemental Environmental Projects (SEPs). Execution of the SEPs provide the Laboratory an opportunity to address many of the storm water management issues identified above. The SEPs specifically call for development and execution of the following:

1. *design and installation of engineering structures to slow storm water flow and decrease sediment load to improve water quality, and*
2. *increase sampling and monitoring capabilities for storm water runoff in and around the Laboratory*

In the interim, while the MS4 is developed and finalized, the SEPs provide an opportunity to compile key information about storm water quality and quantity on developed areas of the Laboratory and a mechanism to, not only identify control measures, but install engineered BMP structures. Finally, the settlement agreement includes deadlines for implementation and final execution. SEP work plans, addressing storm water engineering structures and supplemental sampling and monitoring, are in development and require ultimate approval by NMED. Once the work plans are approved and executed, the Laboratory will prepare a supplement addendum to the 4b document that addresses the elements of a storm water management plan that will be implemented through the SEPs.”

5. The Reduction in State Funding for Surface Water Quality Programs is Disturbing and Should be Further Explained and Justified in the Report.

Amigos Bravos was dismayed to see the drastic reduction in funding for the New Mexico surface water quality management program. Funding in FY 15 was reduced to \$4,374,156, which represents a substantial reduction from FY13 funding levels of \$5,775,981. State funding was more drastically reduced than federal levels during this period and represents a decrease in \$819,909 dollars annually of funding for surface water quality management. The Report does not explain why or how this funding was reduced by the State administration, nor does it outline what programs were cut or impacted. These details should be added to the Final Report.

SWQB RESPONSE: *There is already a section in the IR entitled “Adequate Funding of Water Quality Programs” under “B.4 Significant Surface Water Issues” that provides a detailed discussion of this issue. Explanation of why or how the State reduced funding for surface water quality programs is beyond the scope of the Integrated Report.*

6. A Timetable for Numeric Nutrient Criteria Development Should be Provided. While Amigos Bravos appreciates the summary regarding nutrient criteria development included on page 55 in the section titled “Nutrient Assessment Protocol Improvement for Wadeable Perennial Streams”, this summary needs to include a timetable for final nutrient criteria development.

SWQB RESPONSE: *SWQB does not believe the Integrated Report is the appropriate place to provide detailed time tables for any specific water quality standards development issues.*

7. Aluminum Impairments

As mentioned numerous times previously, Amigos Bravos does not believe that the current hardness based Aluminum criteria is protective of existing uses, and that with a protective Aluminum standard, many waterbodies in New Mexico, including the 16 waterbodies proposed to be delisted in the Report, would be listed as impaired. Amigos Bravos especially has concerns about whether the current hardness based Aluminum criteria is protective of New Mexico’s freshwater mussel species. Putting those concerns aside, as the appropriate place to argue the appropriateness of standards is during the Triennial Review, Amigos Bravos has a several Aluminum impairment

questions. Sixteen segments are being proposed to be delisted for Aluminum impairment in the Report, yet a reason for why they are being de-listed is given for only a couple of these segments. Amigos Bravos speculates that the reason that all of these segments are being de-listed is because the water quality standard was changed. Clarity regarding whether or not this is indeed the case would be very much appreciated.

SWQB RESPONSE: *SWQB assumes you were looking at the draft “De-Listed Impairments” MS Excel spreadsheet vs. the individual Record of Decision (ROD) entries for these sixteen assessment units. The ROD entries provide clear details regarding whether or not there was a complete de-list of aluminum based on assessment of total recoverable aluminum vs. a listing change from dissolved to total recoverable aluminum. In the second scenario, the “Delisting Reason” field on the associated MS Excel spreadsheet for ten assessment units is blank because these are not technically de-listings. They are just a change from dissolved to total recoverable aluminum, yet appear on this database generated spreadsheet because we are required to delete the old (dissolved) Aluminum cause of impairment and replace it with a “new” Total Recoverable Aluminum cause of impairment in our current database design. EPA offers a very limited number of delisting reasons for tracking purposes, none of which explained this scenario. A clear Delisting Reason has been added to the revised MS Excel spreadsheet to explain this scenario.*

8. Regulation of Discharges from Los Alamos National Laboratory

Amigos Bravos appreciates having sections that outline the major groundwater issues in the state, including discharges from Los Alamos National Laboratory. Providing these outlines of the issues is effective at providing basic knowledge of these issues to the general public, and we thank the Department for providing them. We do have several comments about the language in the Los Alamos section. Specifically we suggest the following edits:

- a. The second paragraph on page 72 of the Report should be expanded to ensure that who NMED has continued to meet with is accurately communicated. Simply stating “concerned citizens” is inaccurate and confusing. One of the 6 groups that have continued to meet with NMED is Concerned Citizens for Nuclear Safety and thus using the language “concerned citizens” could be interpreted to mean that NMED has been meeting with only this group. In fact NMED has been meeting with representatives from 6 organizations (Tewa Women United, Honor Our Pueblo Existence, Concerned Citizens for Nuclear Safety, Amigos Bravos, Partnership for Earth Spirituality and the New Mexico Acequia Association as well as individual concerned citizens. This language should be changed to read: “NMED has continued to meet with members from 6 community organizations and several concerned citizens.

SWQB RESPONSE: *This sentence has been changed to “NMED has continued to meet with members from community organizations as well as several concerned citizens regarding the issuance of the discharge permit.”*

- b. It is inaccurate to state that discussion of “upgrades” have been part of these meetings if NMED is referring to the construction of the new low-level liquid waste treatment facility. The construction of this facility has not been part of these discussions.

SWQB RESPONSE: *See previous response; the second part of the sentence referring to upgrades has been removed.*

- c. A full history of the permitting process at the RLWTF should be included in this summary.

Please add the following language: “ NMED released its first draft of the permit in mid-1990s, which was subsequently withdrawn. In 2005, another public process began with another draft permit, this draft was also withdrawn. The most recent process was initiated in 2013.”

SWQB RESPONSE: *Based on our records, the following sentence was added to the discussion of the RLWTF: “The application for discharge from the RLWTF was first submitted to NMED on August 19, 1996, an updated application submitted on February 16, 2012, and an amendment to the application submitted to NMED on August 10, 2012.”*

- d. The date for the release of a draft permit for SWWS should be updated. A draft permit has not yet been released.

SWQB RESPONSE: *This sentence was updated to “It is anticipated that the draft discharge permit (DP-857) for the SWWS/SERF facility will be published for comment in early May or June 2016.”*

- e. The date for the release of a draft permit for discharges to multiple septic tank/leachfield systems should be updated. A draft permit has not yet been released.

SWQB RESPONSE: *The anticipated release date for this permit was changed to early May or June 2016. In addition, the following paragraph regarding the UIC discharge permit was also updated to “NMED published a draft discharge permit and a hearing is scheduled for late May 2016.”*

- f. The statement “NMED met with LANS/DOE staff and concerned citizens regarding the draft permit” in paragraph 5 on page 72 should be changed to “ NMED met with LANS/DOE staff and representatives from 6 community organizations and several concerned citizens.”

SWQB RESPONSE: *This sentence has been changed to “NMED met with LANS/DOE staff, representatives from community organizations, and several concerned citizens.”*

9. Climate Change and the Importance of Resiliency

Climate change is currently and will even more so in the future drastically impact the surface waters of New Mexico. The scope and magnitude of the impact of climate change on New Mexico’s water resources warrants broad programmatic shifts and action. This action should be documented in the Report. In addition, specific impacts that we are seeing on our water resources as a result of climate change should be documented and presented in the Report. Amigos Bravos requests that two sections be added to the Report, one section that reports the impacts we are seeing from Climate Change on our water resources and a second section that documents steps that the Department is taking to mitigate these impacts.

There is a pressing need to protect, support, and increase the resiliency of our watersheds so that wherever possible New Mexico’s water resources and the communities that depend upon them are able to adapt to a changing climate. Resiliency consists of two parts. First, resiliency is the capacity of an ecological or community system to maintain its function in the face of stress. A system with high

resiliency withstands and bounces back from stress better than a system with low resiliency. Second, resiliency is the capacity of an ecological or community system to adapt to changing circumstances and conditions. Climate change elevates the importance of resiliency. Climate change exacerbates impacts caused by existing ecological and community stressors. Climate change is also a persistent, intensifying, and non-linear stressor. Actions adequate to guard against a particular impact in a world that has warmed by 2°C may be completely inadequate in a world that has warmed by 3°C. Thus, in the absence of robust action to build resiliency, climate change may unravel and catastrophically degrade existing ecological and community systems. We urge the Department to focus efforts on increasing the resiliency of watersheds and to document these efforts in the Report.

SWQB RESPONSE: *Thank you for your comment. Increasing resiliency of watersheds is a primary goal of SWQB's wetlands and watershed protection programs, as well as the State's River Stewardship program. All of these programs are described in detail in the Integrated Report. The two additional sections you request are beyond the scope of the Integrated Report, especially at this stage in the public review process. Your suggestion will be taken into consideration for the next Integrated Report.*

10. Typos/Formatting Comments

- a. Amigos Bravos appreciates the inclusion of Figure 1. This provides important clarification on the somewhat confusing distinction between impaired waters and waters that are considered officially included on the 303d List.

SWQB RESPONSE: *Thank you for your comment.*

- b. Table 1 should either be moved to section C.3 of the Report or reproduced there to enable easier review of the information presented in tables 9 and 11. In addition, the language that is included in next to these tables should more clearly define the different categories. For example, the paragraph that summarizes Category 5 does not state that water that

SWQB RESPONSE: *SWQB believes the reference to Table 1 in section C.3 is sufficient. The second part of this comment is unclear and appears to be incomplete.*

- c. The numbers of stream miles in Table 2 do not add up. The perennial, intermittent/ephemeral and ditch miles totals in Table 2 add up to 56,584 miles, not the total 108,649 total state miles also listed in the table.

SWQB RESPONSE: *The values in Table 2 have been corrected.*

- d. On page 10, FY2014 is included twice when listing total number of inspections. Perhaps the second FY14 should really be FY15?

SWQB RESPONSE: *The second FY2014 has been corrected to FY2015.*

- e. On page 12 commas are missing from the list of sources of non-point source pollution.

SWQB RESPONSE: *There are no commas missing from the list of sources.*

- f. Different “earliest final decision” dates for the triennial date are listed in different sections of the report. On page xi January 2016 is identified as earliest decision date and then on page 8 March 2016 is listed as the earliest decision date.

SWQB RESPONSE: *Both references were updated to spring 2016 per the Standards and Reporting Team.*

- g. Figures 12 and 13 should include the tables that were included in the same figures from previous versions of the report. If only one representation of the data is going to be included, Amigos Bravos prefers the table representation over the line graph because the table includes the exact numbers.

SWQB RESPONSE: *The intent of these figures is to show the relationship between the top causes and sources of impairment in streams and rivers. As stated in the text, the exact numbers are available in Appendix B.*

- h. Amigos Bravos thanks the Departments for providing the excel spreadsheet that detail proposed new listings and de-listing. These spreadsheets have made our review of the Report much easier and streamlined.

SWQB RESPONSE: *Thank you for your comment.*

Thank you for the opportunity to provide comment on the Report. We look forward to further discussion about the concerns that we have raised in our comments. Please do not hesitate to contact me at 575-758-3874 or rconn@amigosbravos.org if further clarification or discussion on the above comments is merited or needed.

Sincerely,
Rachel Conn Projects Director
Amigos Bravos

COMMENT SET 2 – Los Alamos National Security (LANS), Los Alamos, NM

Environmental Protection & Compliance Division (EPC-DO)
Environmental Compliance Programs (EPC-CP) PO Box 1663, K490
Los Alamos, New Mexico 87545
(505) 667-0666

Date: MAR 17 2016
Symbol: EPC-DO-16-075
LAUR: 16-21756
Locates Action No.: NIA

Dear Ms. Guevara:

Subject: LANS Comments to Draft 2016 - 2018 State of New Mexico Clean Water Act (CWA) Sections 303(d)/305(b) Integrated List of Assessed Surface Waters (Integrated Report List)

Included below for your consideration, are the Los Alamos National Security (LANS) comments to NMED's 2016-2018 CWA Sections 303(d)/305(b) Integrated List of Assessed Surface Waters. LANS appreciates the opportunity to comment.

The Integrated Report included the following actions which impact waters within Los Alamos National Laboratory:

1. The DP Canyon Assessment Unit (AU), previously Los Canyon to the LANL boundary, was split at the grade control structure into two AUs. The grade control to the upper LANL boundary (NM-128.A_14) and the grade control to Los Alamos Canyon (NM-128.A_10). The split is generally supported by gage data provided by LANS; however, persistent flows below the grade control structure are limited and subside well before the end of the AU reach.
2. The Pajarito Canyon AU, previously Pajarito Canyon below Arroyo de la Delfe to the lower LANL boundary was split into two separate AUs. Arroyo de la Delfe to Two Mile Canyon (NM-128.A_06) and the lower LANL boundary to Two Mile Canyon (NM-128.A_08). The split is generally supported by gage data provided by LANS; however, persistent flows below Arroyo de la Delfe subside before-the end of the AU reach.
 - a. Copper was added as a cause of impairment to AU NM-128.A_06.
3. The Sandia Canyon AU (Sigma Canyon to NPDES Outfall 001) was changed from IR Category 5C to 5B pending the results of an on-going temperature study and a water quality standards review. The change in the IR Category is appropriate until the standards review is complete.
4. In order to keep the IR 4b categorization in place for the Upper Sandia Canyon AU, NMED expressed the need for progress on the implementation of the Laboratory's Stormwater Management Plan. The plan was suspended pending a final MS4 determination by EPA. The final MS4 is expected to share key objectives with the original intent of the Stormwater Management Plan and when fully implemented will complement LANS' existing NPDES permit coverage by

directly addressing storm water runoff from urbanized areas at the Laboratory.

The following comments are provided for your consideration:

1. Waters within the Pueblo Canyon Watershed presumed subject to default Segment 98 intermittent standards may be ephemeral and capable of only limited aquatic life support, similar to Segment 128 waters. Consequently, assessment of chronic criteria in Segment 98 waters may be unnecessary until an appropriate Use Attainability Assessment (UAA) is completed.

SWQB RESPONSE: *Assessment of chronic criteria, related to the marginal warmwater aquatic life use, is necessary for all waters assigned 20.6.4.98 NMAC. As noted a UAA is necessary to remove this use and apply standards similar to Segment 128.*

2. On October 5, 2015 LANS provided preliminary data to assist NMED with evaluation of the temperature criteria in the perennial portion of the Segment within Sandia Canyon directly corresponds to the Sandia Canyon Assessment Unit (AU) NM-9000.A_47. NMED has assigned an IR Category of 5B. The designated use may not be appropriate and subject to a water quality standards review. Therefore an assignment of 5B is appropriate until a standards review is complete.

SWQB RESPONSE: *Thank you for your comment.*

3. Acid Canyon- NM-97.A_002 (Pueblo to headwaters)- This AU is an ephemeral tributary to Pueblo Canyon and only flows in response to precipitation events. Two samples collected on August 28, 2008 and July 9, 2009 were coded for persistent surface flow and the data was assessed against chronic criteria. In response to this comment made during the 2014-2016 IR review, NMED stated: "the ROD entry has been revised to note the chronic copper listing as 5C due to the possible mischaracterization of the flow conditions in Intellus". LANS has since reviewed the record: Rain gages in the area did not record precipitation on these two days. Flow from the gages appears to be dewatering from a series of storm events earlier in the week. The hydrologically stable conditions required for assessing chronic criteria did not exist. Consequently, LANS will make the necessary change in Intellus and requests a re-assessment.

SWQB RESPONSE: *The change to Intellus was confirmed and the AU was re-assessed for chronic copper. There are 0/2 exceedences; the chronic copper impairment was removed accordingly as noted in the revised ROD.*

4. Pueblo Canyon- NM-97.A_006 (WWTP to Acid Canyon)- Application of NMED's Hydrology Protocol on 7/21/08 indicates the AU is ephemeral. LANS respectfully requests NMED complete the process detailed in 20.6.4.15 NMAC Subsection C in order to include this AU under 20.6.4.97 NMAC.

SWQB RESPONSE: *This request has been provided to SWQB's Standards, Planning, and Reporting Team. The Department completes the Hydrology Protocol (HP) and UAA processes for streams as priorities and resources allow. However, LANS does not need to wait for the Department to initiate this process. LANS (or its contractors) may conduct the work in accordance*

with the HP and UAA procedures in 20.6.4.15.C and D NMAC.

5. Pajarito Canyon- NM-9000.A_048 (LANL boundary to headwaters) The Water Quality Section (WQS) Reference is listed as 20.6.4.99. In listings previous to the 2014-2016 IR, the WQS reference for this segment of Pajarito Canyon was 20.6.4.98. Flow data generated from gage E240, which is located near the lower boundary of the AU, and corresponding precipitation data from area towers show ephemeral conditions exist (Enclosure 1).

SWQB RESPONSE: *It appears the WQS reference was inadvertently changed from 20.6.4.98 NMAC to 20.6.4.99 NMAC during the 2014-2016 listing cycle. As stated in the "2010 ACTION" ROD entry, the channel was completely dry during an EPA Region 6 field visit in 2009. This field observation combined with the provided flow data from gage E240 indicated that 20.6.4.98 NMAC is the appropriate assignment for this assessment unit. It has been changed, and the associated ROD entry was updated.*

6. Canada del Buey- NM-128.A_00 (within LANL)- Aluminum is listed as a cause of non-support for the use of limited aquatic life. Because of the recent changes to the water quality criteria for aluminum, insufficient total recoverable aluminum and corresponding hardness-related data is available to demonstrate attainment with the designated use. Consequently, LANS requests NMED change this reach's IR category from 5A to 5C.

SWQB RESPONSE: *The aluminum listings are noted as IR Category 5C in the ROD "2014 Action" entry. The AU IR Category was changed to 5C.*

7. It is appropriate to assign an IR Category of 5C, for AUs within LANL that lack hardness-dependent total recoverable aluminum data. We request that 5C remain in effect until results of on-going filter size evaluation can be assessed by NMED.

SWQB RESPONSE: *IR Category 5C will remain in effect with respect to total recoverable aluminum data until an adequate number of total recoverable aluminum samples that were "...filtered to minimize mineral phases as specified by the department" (see 20.6.4.900.J(1)(e) NMAC) with concurrent harness data are available to assess.*

Thank you for providing the opportunity to comment. Please contact Robert Gallegos (505) 665-0450 of the Laboratory's Environmental Compliance Programs (EPC-CP) if you have questions.

Sincerely,

Anthony R. Grieggs
Ground Leader
Environmental Compliance Programs
(ENV-CP)
Los Alamos National Security, LLC

ARG:MTS:RMG/lm

Enclosure: 1. Pajarito Canyon Stream Gage (E240) and Precipitation Tower Data (TA-53)

COMMENT SET 3 – NM Municipal Environmental Quality Association, Santa Fe, NM

Subject: Comments on the draft 2016 - 2018 State of New Mexico Clean Water Act (CWA) Sections 303(d)/305(b) Integrated Report 2016-2018 Integrated Report

Dear Ms. Guevara,

The New Mexico Municipal Environmental Quality Association (NMMEQA), a subsection of the New Mexico Municipal League, appreciates the opportunity to review and comment on the draft 2016 - 2018 State of New Mexico Clean Water Act (CWA) Sections 303(d)/305(b) Integrated Report (Integrated Report). The NMMEQA represents the 104 local municipal entities in the State of New Mexico in regards to environmental issues, with a particular focus on water quality protection.

The NMMEQA members identified several new issues while reviewing this version of the Integrated Report which appear to stem from a lack of transparency on the part of NMED. The following are examples of these areas:

1. The Integrated Report references a document entitled: “Final Draft Prioritization Framework and Long Term Vision for Water Quality in New Mexico, July 2015” (page 9). This document provides NMED’s prioritization scheme for developing TMDLs and a list of the high priority TMDLs that will be completed before 2022. This was the first time the NMMEQA members had heard about this document.
 - a. The Prioritization Framework was developed without opportunity for stakeholder input.

SWQB RESPONSE: *EPA guidance for the 2016-2018 Integrated List states, “Consistent with the new Vision, the Integrated Report submitted by States for the 2016 Integrated Reporting cycle should include, or reference, the State’s long-term priorities for the CWA 303(d) program from FY 2016 to FY 2022 and the associated rationale used to set these long-term priorities.” NM’s Prioritization Framework was referenced in the TMDL Section of the IR, including a direct link to the document. The Prioritization Framework is a guidance document to be used by SWQB for monitoring and TMDL planning; it is not a static document and can be updated during the 2016-2022 timeframe if necessary. This clarification has been added to the IR. The listing and TMDL processes outlined in the Prioritization Framework are subject to individual public comment periods and the public will continue to have the opportunity to provide comments on individual listing and TMDL actions at that time.*

- b. The Integrated Report states that prioritization scoring was included in this 2016-2018 IR, but the scoring results are not provided in the report. In addition, the Prioritization Framework specifies that NMED will develop a standardized approach to determining when non-representative conditions exist, a policy on monitoring and assessing during these conditions and implementation steps. Stakeholders input should be solicited.

SWQB RESPONSE: *A list of the priority waterbodies and not individual scores were included as Appendix C of the Prioritization Framework. The referenced text in the Integrated Report will*

be updated to reflect that the priority waterbodies are in Appendix C of the Prioritization Framework and not an appendix of the IR. For non-representative data, the Assessment Protocols currently detail in what situations weather events may affect the representativeness of the data. Assessment Protocols are open for public comment every other year prior to the development of the Integrated Report. SWQB will investigate possible approaches to determining when non-representative conditions exist, and what our approach should be on monitoring and assessing during these conditions. If and when this this happens, the process will be open for public input during development of the Field Sampling Plan and/or the public comment period for the Assessment Protocols.

- c. The New Mexico Water Quality Management Plan/Continuing Planning Process (WQMP/CPP) document (Section IV.D) should be updated to document this process.

SWQB RESPONSE: *See above response; the Prioritization Framework is a guidance document and does not require a modification to the WQMP/CPP.*

2. Description of Nutrient Reduction Strategy (pages 44-45 and 55). The IR describes NMED accomplishments relating to the Nutrient Reduction Strategy.
 - a. ***“Completion of a project using EPA’s Nutrient Scientific Technical Exchange Partnership and Support (N-STEPS)....”*** NMMEQA was not aware of this project. NMMEQA requests that NMED inform stakeholders of the specific outcomes from that project (e.g. type of data that the State is using) and clarify whether any data from that project were used in the assessment determinations. NMMEQA requests that NMED provide stakeholders an opportunity to review the results of the N-STEPS analyses before NMED proposes updates to the nutrient assessment protocol for Wadeable Perennial Streams.

SWQB RESPONSE: *EPA’s N-STEPS program provides technical support to state and tribal water quality agencies for the development of scientifically sound nutrient thresholds and criteria. The N-STEPS program is administered by EPA’s Office of Science and Technology in the Office of Water, and projects are coordinated through EPA’s Regional Offices. Methods for developing and implementing nutrient thresholds and criteria have evolved from frequency distributions to data analysis tools and techniques that document direct linkages to impairment of aquatic systems (e.g., stressor-response). SWQB strives to continually improve our process of deriving nutrient thresholds for New Mexico surface waters using the most current tools and techniques available.*

As stated on page 55 of the draft Integrated Report, the results of the N-STEPS analyses will be considered during the revision of SWQB’s Nutrient Assessment Protocol for Wadeable Perennial Streams. SWQB solicits public comment on revised Assessment Protocols every odd-numbered spring, in preparation for subsequent draft Integrated Reports released for public comment and due every even-numbered year. The final N-STEPS report will be referenced in the revised nutrient assessment protocol, and posted to SWQB’s nutrient threshold development web page (<https://www.env.nm.gov/swqb/Nutrients/>). As a precursor to this study, the Translator Development Approach and Proof of Concept was developed and posted on the SWQB nutrient threshold development web page.

- b. ***“Continued protection of water-quality limited segments according to***

New Mexico’s Antidegradation Policy through the CWA Section 401 state certification process to ensure that Tier 1 (i.e., waters identified as “impaired”) waters are not further degraded by conditioning nutrient limitations that, at a minimum, protect existing instream uses.” The use of antidegradation to establish effluent limits in permits is a new concept and is not documented in the WQMP/CPP. Since the WQMP/CPP describes the process that will be used for development of these limits, the WQMP/CPP should be updated with the required stakeholder involvement before this undocumented process is used. The NMMEQA requests that NMED update the WQMP/CPP and offers to discuss these limits and to weigh in on the process for developing such limits.

SWQB RESPONSE: *New Mexico’s antidegradation implementation activities are detailed in Paragraph B of 20.6.4.8 NMAC, and include:*

- “(4) requires the highest and best degree of wastewater treatment practicable and commensurate with protecting and maintaining the designated uses and existing water quality of surface waters of the state;*
- (5) develops water quality based effluent limitations and comments on technology based effluent limitations, as appropriate, for inclusion in any federal permit issued to a discharger pursuant to Section 402 of the federal Clean Water Act;*
- (6) requires that these effluent limitations be included in any such permit as a condition for state certification pursuant to Section 401 of the federal Clean Water Act.”*

According to the tier definitions found in the Antidegradation Policy Implementation Procedure (Appendix A of WQMP/CPP), waters identified as “impaired” for any existing or designated use according to the current State of New Mexico Clean Water Act §303(d) / §305(b) Integrated List automatically will be Tier 1 for the parameter of concern. The level of protection afforded to Tier 1 waters is defined as “... the level of water quality necessary to protect the existing uses shall be maintained and protected,” and represents the minimum level of protection provided to surface waters. The CWA §401 state certification process ensures that water quality that does not meet, or that meets but is not better than the water quality standards for existing uses in Tier 1 waters, is not degraded by a new or increased discharge or the renewal of a permit for an existing discharge.

SWQB reviews NPDES permit actions for purposes of state certification. NMED will continue to assure through appropriate review and communication with the permitting authority that permit requirements and effluent limitations are compatible with appropriate state law, protect water quality standards, and implement the water quality management plan.

3. Assessment data not available. Based on what has been posted to the NMED SWQB website, the format and content of the reports summarizing monitoring survey results has been modified starting with the studies conducted in 2014. The reports do not include summaries of the assessment results, although older versions did. The reports only include what parameters were monitored and how many times monitored. The assessment summaries included in the older survey reports provided details that are now not readily available for stakeholders. It is difficult to comment on listings if data and conclusions aren’t available. This change forces stakeholders to request data sets for each AU. This is an onerous burden on the stakeholders and the NMMEQA suspects that it would become a burden on NMED as well. In particular, the results for the lake surveys have not been posted. The summary of assessment decisions for lakes (especially pertaining to nutrient

data) should be available for stakeholders. There are several questions regarding changes to the Nutrient Assessment Protocol for Lakes and Reservoirs.

SWQB RESPONSE: *SWQB believes assessment results are appropriately reported in the Integrated List (Appendix A of the IR). The associated Record of Decision (ROD) provides a summary of assessment decisions by assessment unit. Survey reports are intended to summarize what data types were collected and where by our monitoring team as an update to the original Field Sampling Plan for a particular watershed survey, and to evaluate what data needs may still exist in that watershed.*

Since 2010, SWQB has combined lake and stream survey summaries into one “watershed” survey report. Assessment results are purposely not included in these summaries to avoid duplication and potential inconsistencies between the IR and survey reports, since the reports are typically completed before the assessment protocols (and actual assessments) are finalized. All available survey summary reports are posted to our website by watershed/basin at: <https://www.env.nm.gov/swqb/MAS/>.

SWQB has initiatives in place to improve stakeholder access to actual assessment datasets. In the interim, these data are provided upon request. Physical/chemical data are also downloadable from EPA’s WQX website at: <https://www.epa.gov/waterdata/storage-and-retrieval-and-water-quality-exchange>.

As stated previously, SWQB solicits public comment on revised Assessment Protocols every odd-numbered spring, in preparation for subsequent draft Integrated Reports released for public comment and due every even-numbered year. Concerns regarding specific Assessment Protocols are submitted and addressed at that time.

Specific comments on the draft Integrated Report and Appendix A follow:

Comments on Draft 2016-2018 Integrated Report

Tables 9 and 11 – The statistics should be broken down for 3A, 3B, 5A, 5B and 5C waters also.

SWQB RESPONSE: *These IR categories have been added to Tables 9 and 11.*

For Table 12, NMED specified the number of acres (136.0 acres) of lakes/reservoirs that are in full support of the Industrial Water Supply (IWS) designated use, however the footnote states that for Industrial Water Supply, the attainment status is defaulted to “not assessed.” NMED should explain the basis for this statistic.

SWQB RESPONSE: *Lower Tansil Lake was inadvertently noted as “Full Support” for Industrial Water Supply in our assessment database. This has been defaulted to “Not Assessed,” and Table 12 was corrected.*

Comments on Appendix A.

NMED split many AUs in the draft 2016-2018 Integrated Report without documenting the basis for the splitting in the report. E.g. DP Canyon, Canones Creek, Rio Grande near Tijeras Arroyo.

SWQB RESPONSE: AUs may be split appropriately based on a variety of reasons, including conflicting assessment from multiple stations in the original AU, examination of flow data, and other information such as NPDES permit locations, basin characteristics, and land use changes. The reasons for the split in DP Canyon were provided in the ROD (page 49). Canones Creek and the Rio Grande near Tijeras Arroyo were both split due conflicting assessment conclusions for specific parameters from multiple stations in the original AU as well as a change in hydrologic character (details have been added to the respective ROD entries). SWQB will strive to consistently include details regarding AU splits in the ROD in future listing cycles.

The basis for the new fish consumption impairments should be included in this report. It is unclear if the impairments are based on new data collected from NMED SWQB or new data from New Mexico Department of Game and Fish to update the fish advisories. E.g. Lake Farmington and Lake Roberts have new fish consumption impairments for 2016.

SWQB RESPONSE: These new impairments are based on the existence of fish consumption advisories for these parameters; this is clearly noted in the Record of Decision (ROD). As stated in the Integrated Report, the NM Department of Health, New Mexico Department of Game and Fish, and NMED work together to implement New Mexico's Fish Consumption Advisory Program. EPA considers fish or shellfish consumption advisories and supporting fish tissue data to be existing and readily available data that demonstrate non-attainment of CWA goals stating that waters should be "fishable" (CWA Section 101(a), EPA 2005). The basis for fish consumption impairments each listing cycle is the most recent, available fish consumption advisories at the time the Integrated Report is drafted. Language was added to the Fish Consumption Advisory Program section of the IR to clarify this process. SWQB maintains a separate website devoted to this program at: <https://www.env.nm.gov/swqb/advisories/>.

The Assessed Date for the DP Canyon (Grade control to upper LANL bnd) AU is "2016". However, the listings are for 2010. Were additional data submitted to NMED in 2014- 2015? This Assessed Date for that AU is different than the information for the DP Canyon (Los Alamos Canyon to grade control) AU. The Assessed Date is 2014.

SWQB RESPONSE: The "FIRST LISTED" field is correctly noted as 2010 for specific pollutants because this is the first time these specific pollutants were listed as impaired. The ROD clearly documents that DP Canyon (Grade control to upper LANL bnd) was re-assessed for the 2016 cycle using available Intellus data, while the lower AU was not. The "ASSESSED" field date of 2016 and 2014, respectively, are correct.

Burns Lake (Rio Arriba) (AU NM-9000.B_025) – why was this listed in 2014 and assessed in 2016? Same with Canones Creek (Rio Chama to Jicarilla Apache bnd) (and others).

SWQB RESPONSE: See above response that clarifies the difference between the "FIRST LISTED" and "ASSESSED" fields in Appendix A.

The report should document the basis for the new listings for PCBs and Gross Alpha, adjusted for the Rio Grande (non-pueblo Angostura Div to Cochiti Rsrv).

SWQB RESPONSE: This information can be found in the ROD on page 128.

El Vado Reservoir and Alto Lake are no longer impaired for nutrients/eutrophication. Caballo Reservoir is now listed as impaired for nutrients/eutrophication. The report should state the basis for these changes. The report does not state what additional data were obtained and assessed and no survey reports are available for Lakes.

SWQB RESPONSE: *The bases for the changes are documented in the ROD on pages 96, 210, and 176, respectively.*

The AU Comment for Elephant Butte reservoir was revised. The report does not document whether NMED completed the assessment using the lake assessment protocol.

SWQB RESPONSE: *The AU comment was revised because the information was old and no longer relevant. The “2016 Action” ROD entry stated that “No impairments were found.” Specific to your comment, Elephant Butte was determined to be “fully supporting” with respect to nutrients using the current nutrient assessment protocol for lakes. Although SWQB always assesses data using the most current Assessment Protocols in any given listing cycle, this additional information has been added to the ROD entry for Elephant Butte.*

NMED included an AU Comment for several segments that are impacted by a change proposed in the current Triennial Review regarding the recreational contact designated use when the change would result in an impairment determination. Several AUs will be impacted if the Water Quality Control Commission approves changing the recreational use from secondary to primary contact (e.g. some Pecos River AUs (covered by 20.6.4.207) and the North Spring River AU (20.6.4.206)). There are a few dischargers that will be affected by the change. Assuming the triennial review is completed before the Integrated Report is finalized, the changes in WQS should not be factored into the 2016-2018 listing decisions.

SWQB RESPONSE: *The triennial review will not be completed before the Integrated Report is finalized; further these changes will also need EPA approval prior to use in the Integrated Report. SWQB does not believe it is appropriate to incorporate draft WQS changes into final 2016-2018 listing decisions.*

Again, thank you for the opportunity to review the draft 2016-2018 Integrated Report. The NMMEQA welcomes an opportunity to discuss the above comments with you.

Sincerely yours,

Dan Campbell NMMEQA
President