

**WITHDRAWAL OF THE
RED RIVER (RIO GRANDE TO PLACER CREEK)
DISSOLVED ALUMINUM TMDL**



**NEW MEXICO ENVIRONMENT DEPARTMENT
SURFACE WATER QUALITY BUREAU**

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Summary

Due to the change from a dissolved aluminum to a hardness-based total aluminum water quality criterion and the recent assessments of water quality data for the Red River (Rio Grande to Placer Creek) assessment unit (AU), the New Mexico Environment Department Surface Water Quality Bureau (SWQB) requests to withdraw the 2006 Red River (Rio Grande to Placer Creek) dissolved aluminum TMDL from the New Mexico Water Quality Management Plan (WQMP).

I. Background

Based on water quality data collected in 1999 at stations in the Red River (Rio Grande to Placer Creek), the AU was listed on the 2000-2002 List of Impaired Waters as impaired for aquatic life use due to dissolved aluminum. Additional data collected in 2002 and 2003 confirmed this listing and the impairment remained on the 2002, 2004, 2006, 2008, and 2010 Lists of Impaired Waters. A dissolved aluminum TMDL for Red River (Rio Grande to Placer Creek) (AU ID- NM_2119_10) was developed in 2005 and approved by the New Mexico Water Quality Control Commission (NM WQCC) on January 10, 2006 and USEPA on March 17, 2006.

During the 2009-2010 triennial review, SWQB proposed to replace the dissolved aluminum water quality criterion (WQC) for aquatic life with hardness-based total recoverable aluminum WQC. The WQCC approved this hardness-based total recoverable aluminum WQC on October 14, 2010, and USEPA approved these WQC on June 18, 2012, for surface waters with pH > 6.5.

The Red River (Rio Grande to Placer Creek) was sampled by SWQB in 2009 as part of the Upper Rio Grande water quality survey. Based on the assessment using the 2011 Assessment Protocols and the WQCC- and EPA-approved hardness-based total recoverable aluminum chronic criterion, the Red River (Rio Grande to Placer Creek) was delisted for aluminum on the 2012-2014 §303(d)/§305(b) Integrated List. The 2012-2014 §303(d)/§305(b) Integrated List was approved by USEPA on May 8, 2012.

II. Requirements and Guidance for TMDL Withdrawal

Both USEPA guidance and the New Mexico WQMP provide for the withdrawal of TMDLs. The March 22, 2012 USEPA guidance titled “Consideration for Revising and Withdrawing TMDLs” states the following-

“EPA recommends that existing TMDLs not be withdrawn simply because the load and wasteload allocations have been implemented successfully and the water is now attaining water quality standards. EPA recommends that such “successful” TMDLs remain in place to ensure that WQS continue to be maintained in the future, and that their water quality analyses and allocation

targets continue to inform permit writers' and stakeholders' efforts to maintain those water quality standards. In some circumstances, however, a State may want to withdraw a TMDL to reduce any confusion for permit writers or stakeholders, but it is at the State's discretion. At least three scenarios could prompt a desire for TMDL withdrawal:

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3. EPA approves a State's revised water quality criteria or water quality standard leading to a determination that the water body is no longer impaired. Under the circumstances implementation of the WLA in the TMDL based on the old criteria may lead to permit effluent limits more stringent than necessary under the new criteria. When withdrawing such TMDLs, States should notify EPA and provide public notice of the withdrawal. One option would be for the withdrawal to occur at the same time the State establishes its next 303(d) list. However, if the water body remains impaired under the new water quality standard, the TMDL should remain in place. The State may withdraw the TMDL if it chooses to develop a TMDL revision and EPA approves the revised TMDL; however, it is not necessary to withdraw the TMDL.

Section IV-C of the 2011 New Mexico WQMP states the following:

"TMDLs may be revised as necessary...based on changes to water quality standards or other factors influencing the TMDL calculation or distribution between the WLA and LA in the TMDL. TMDLs may be removed from the WQMP with WQCC approval if the waterbody is no longer impaired."

The situation for the Red River (Rio Grande to Placer Creek) is consistent with the scenario for withdrawal outlined in the USEPA guidance described above as well as the provision for withdrawal provided in the New Mexico WQMP.

III. Public Participation

Table XIV-1 in the New Mexico WQMP requires a 30-day public comment period and a public meeting in the affected watershed for all TMDL processes. The 30-day public comment period will open on October 17 and close on November 16, 2012. A public meeting will be held on November 7, 2012 from 6-8 p.m. at the Red River Conference Center at 101 West River Street. SWQB plans to present the (Rio Grande to Placer Creek) TMDL withdrawal proposal to the WQCC on December 11, 2012.

IV. Conclusions

Based on assessment of 2009 water quality data, the Red River (Rio Grande to Placer Creek) is not impaired for aquatic life use due to total recoverable aluminum. There is no dissolved aluminum WQC for aquatic life applicable to this AU. Therefore, aluminum was removed as a cause of non-support for aquatic life from the WQCC and EPA-approved 2012-2014 §303(d)/§305(b) Integrated List. As the 2006 TMDL was developed using a WQC that no longer exists and the AU is not impaired for the currently applicable total recoverable aluminum WQC, SWQB intends to propose that the WQCC withdraw the 2006 Red River (Rio Grande to Placer Creek) dissolved aluminum TMDL.

References:

New Mexico Administrative Code (NMAC). 2012. State of New Mexico Standards for Interstate and Intrastate Surface Waters. New Mexico Water Quality Control Commission. As amended through July 10, 2012. (20.6.4 NMAC)

New Mexico Environment Department/Surface Water Quality Bureau (NMED/SWQB). 2011. Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/ CPP). <http://www.nmenv.state.nm.us/swqb/Planning/WQMP-CPP/>

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United States Environmental Protection Agency (USEPA). 2012. Consideration for Revising and Withdrawing TMDLs. Available at: http://water.epa.gov/lawsregs/lawguidance/cwa/tmdl/upload/Draft-TMDL_32212.pdf.