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CABINET SECRETARY

Via Electronic Mail

December 5, 2022

John W. Irizarry Nazario, Office Chief
Acting Field Division Manager
U.S. Bureau of Reclamation (USBOR)
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Chama, New Mexico 87520
jirizarrynazario@usbr.gov

Brent Larsen, Permitting Section Manager
U.S. Environmental Protection Agency (USEPA), Region 6
Water Division – Permitting Section (WDPE)
1201 Elm Street
Dallas, TX 75270
larsen.brent@epa.gov

Re: State of New Mexico Antidegradation Review, NPDES Application No. NM0031288, El Vado Reservoir Dam Seepage Modification Project, Proposed Phase II and III Treated Grout Process Water Discharge

Dear John W. Irizarry Nazario and Brent Larsen:

Water quality standards include a framework and methodology known as “antidegradation” for deciding if, when, and how water quality may be degraded. Antidegradation applies to all activities with the potential to adversely affect water quality or existing or designated uses, including any new point source discharges. The New Mexico Environment Department (NMED), acting under authority delegated by the Water Quality Control Commission, implements water quality standards in the State of New Mexico, including the antidegradation policy and implementation plan. As such, NMED “requires the highest and best degree of wastewater treatment practicable and commensurate with protecting and maintaining the designated uses and existing water quality.” (20.6.4.8(B) New Mexico Administrative Code or NMAC)

The U.S. Bureau of Reclamation (USBOR) and their contractors are proposing a new point source discharge related to grouting operations and cleaning grout lines and equipment. This new point source discharge is not covered by the U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP). The USBOR proposes to discharge to El Vado Lake (Reservoir).

El Vado Reservoir is a classified water of the state and described in Section 20.6.4.120 NMAC. Designated uses of El Vado Reservoir are irrigation storage, livestock watering, wildlife habitat, public water supply, primary contact, and coldwater aquatic life. Pursuant to New Mexico’s antidegradation regulations and procedures, the NMED Surface Water Quality Bureau (SWQB) conducted an antidegradation review of USBOR’s proposed discharge to El Vado Reservoir.

SWQB evaluated water quality data from the SWQB’s 2012 and 2014 water quality surveys, supplemented by the USBOR Carpi USA pilot study source water data, to determine baseline water quality and assimilative capacity of the receiving water (20.6.4.120 NMAC El Vado Reservoir). SWQB also evaluated data provided in the NPDES application and pilot study grout mix supernatant concentrations to estimate the proposed effluent discharge concentration.

As a result of the antidegradation review, NMED-SWQB concludes that the proposed discharge will not

result in “significant degradation” as defined in New Mexico’s Antidegradation Policy Implementation Procedure and characterized by the baseline water quality evaluation. The antidegradation review process is complete and the permitting process may proceed. A summary of the calculations and results are attached.

SWQB is still evaluating if additional monitoring is needed during the actual discharge of wastewater, and will provide those requirements, if necessary, in the State’s Clean Water Act Section 401 certification. SWQB staff will continue to work with USEPA Region 6 to ensure effluent limitations are protective of State water quality standards.

If you have any questions about this letter or the NMED-SWQB antidegradation review, please contact Susan A. Lucas-Kamat, SWQB Point Source Regulation Program Manager, at 505-946-8924 or susan.lucaskamat@env.nm.gov.

Sincerely,

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

cc: (w/ enclosures)

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CITATIONS: 20.6.4.8 NMAC Antidegradation Policy and Implementation Plan
20.6.4.120 NMAC El Vado and Heron reservoirs
Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP)
Appendix A, Antidegradation Policy Implementation Procedure for Regulated Activities
40 C.F.R. §131.12 Antidegradation policy and implementation methods