From:	Nelson, Russell
To:	Crocker, Philip
Cc:	Howell, Charlie; John, Forrest; Reid, Daniel
Subject:	RE: Chama
Date:	Wednesday, December 18, 2013 8:54:11 AM

Phil,

I have spoken at length with HQ staff concerning the latest SWQB proposal that appears to contains some modifications resulting from 6WQ-P comments. I have incorporated my comments and am in the process of preparing a letter from myself to James. The concern that both HQ staff and I share is that despite the renaming of the process, it remains a variance provision and a water quality standard. And we also agree that since the state does not have a variance provision in its standards and associated implementation in its CPP, EPA would likely be unable to approve this provision.

We did agree that there are three approaches that New Mexico could take:
1) Confirm that the New Mexico Water Quality Act (1978) prohibits the Commission from allowing a variance and thereby disabling it from adopting a variance procedure/implementation. I may have found a provision that NMED's counsel or the State AG's office could consider.
2) The process outlined in 40 CFR 131.10 that would allow the state to remove the current use and adopt a alternative use, something like a "nutrient impacted use" is possible. Such an action would not preclude the state from returning to a more protective use and associated criteria once these municipalities are able to meet the state's narrative standard.
3) Develop a long-term restoration provision (drawn from existing antidegradation language that is misplaced) to allow for a "temporary standard" that would in effect be much like a long-term variance. This allows the state to retain the use, but modify the criteria that cannot be met temporarily until these municipalities are able to meet the state's narrative standard.

Russell

Russell Nelson
Regional Standards Coordinator
Water Quality Protection Division
U.S. EPA, Region 6

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-----Original Message-----
From: Crocker, Philip
Sent: Wednesday, December 18, 2013 6:47 AM
To: Nelson, Russell
Cc: Howell, Charlie; John, Forrest
Subject: FW: Chama

Russell, please send me an email with an update (this a.m.) Thanks,

Phil

From: Watson, Jane
Sent: Tuesday, December 17, 2013 4:36 PM
To: Howell, Charlie; Crocker, Philip

Subject: Fw: Chama

Can we provide a quick fact check on Chama? I thought TMDL and listing was withdrawn for P? Standard still on the books?

From: Honker, William
Sent: Tuesday, December 17, 2013 4:30:51 PM
To: Hosch, Claudia; Hill, Troy
Cc: Rawls, Maurice; Larsen, Brent; Garcia, David; Watson, Jane
Subject: FW: Chama

What's the latest on a path forward on Chama? Have we had a meeting with 6EN on it yet? I didn't have time for a discussion on it with James Hogan last week.

Bill

William K. Honker, P.E.

Director, Water Quality Protection Division (6WQ)

EPA Region 6

Dallas, TX

214-665-3187

From: Gilrein, Stephen
Sent: Wednesday, October 30, 2013 3:11 PM
To: Curry, Ron
Cc: Honker, William; Blevins, John; Saunders, Jerry; Hosch, Claudia; Hill, Troy; Johnsey, Paulette
Subject: Chama

Ron, unfortunately the story behind Chama is very similar to that with Mora; i.e. small NM village facing EPA fines for recurring CWA/NPDES violations. They need to either build an expensive advanced WWTP they cannot afford or construct a no-discharge facility to meet stringent stream standards. Only other option would be for the State and EPA to revisit the TMDL. Again, just like Mora.

What prompted the most recent call to you was a September 5, 2013 Region 6 proposed penalty order of $10,000.

Background:

The facility was identified to EPA on a list of NMED priorities of problems needing our attention and action. The violations include almost monthly violations of nearly all parameters since 2007. Previous compliance discussions and assistance by the state proved unsuccessful and the EPA issued AOs in 2007 and March of 2013 did not resolve the lack of compliance by the permittee. The violations impact water quality for downstream users. The receiving stream is on the state 303(d) list for impairments.

The State indicated that Chama has funding from their CWSRF program to design a new wastewater treatment plant. They have nutrient limits that cannot be met with their current plant. The State met with them a couple of weeks ago to work on the project. It is going to be very expensive and they are a very small community. They are trying to find a treatment alternative that is affordable.

Next Steps:

We (enforcement) will get with Bill and his staff [for both Mora and Chama] and develop some options to move forward. We will then meet with the State and communities. We will share a schedule with you when drafted.