



REGION 6 ADMINISTRATOR

DALLAS, TX 75270

December 12, 2023

The Honorable Stuart Paisano
Governor
Pueblo of Sandia
481 Sandia Loop
Bernalillo, New Mexico 87004

Dear Governor Paisano:

The Environmental Protection Agency (EPA) has completed its review of the new and revised provisions in the *Pueblo of Sandia Water Quality Standards*. These water quality standards were adopted by Pueblo of Sandia and submitted to the EPA for approval in August 2023.

I am pleased to inform you that the EPA is approving the new and revised provisions in the water quality standards, as documented in the enclosure to this letter, pursuant to section 303(c) of the Clean Water Act and the implementing regulation at 40 CFR part 131. These provisions include:

- Updated provisions regarding authority and applicability as well as compliance schedules (Section I);
- Updated provisions in the antidegradation policy (Section II);
- Revised lower bound of the pH criteria for the warmwater fishery use from 6.0 to 6.6 (Section IV);
- Revised provisions for implementation of the *E. coli* criteria under the primary contact uses (Section IV and Section VI);
- Added, revised, and deleted definitions in Section VII
- Revised criteria tables for ammonia (Appendix A);
- Adoption of criteria for dinitrophenols, hexachlorocyclohexane – technical, and 2,4,5-trichlorophenol for human health and updated criteria for other pollutants (Appendix B);
- New and revised aquatic life criteria for acrolein, cadmium (acute criterion), carbaryl, tributyltin (Appendix B); and updated criteria equations for chromium, copper, nickel, silver, and zinc;
- Additional revisions, including non-substantive or editorial changes, which facilitate implementation of the water quality standards.

Part IV of the enclosure identifies revisions in the 2023 water quality standards for which the EPA is taking no action under Clean Water Act section 303(c). The rationale for the EPA's action is discussed in detail in the enclosure. These provisions include removal of criteria under the Wildlife Habitat Use for total DDT and metabolites, mercury, and total PCBs and the aquatic life chronic cadmium criterion (Appendix B).

Section 7(a)(2) of the Endangered Species Act requires that all federal agencies engage in consultation to ensure their actions are not likely to jeopardize the continued existence of any threatened or endangered species or result in adverse modification of designated critical habitat. The EPA has determined that approval of some new and revised provisions in the 2023 *Pueblo of Sandia Water Quality Standards* will have no effect on the majority of federally-listed threatened and endangered species or on critical habitat. The EPA has also found that approval of the new or revised aquatic criteria for ammonia, acrolein, cadmium, carbaryl, pH and tributyltin for the surface waters of the Pueblo of Sandia is not likely to adversely affect the Rio Grande silvery minnow or its critical habitat. Consultation with the U.S. Fish and Wildlife Service on the EPA's finding for the Rio Grande silvery minnow has been concluded with the Service's concurrence, via a letter dated November 15, 2023.

The EPA appreciates the hard work and commitment of the Pueblo of Sandia throughout the time reviewing and revising the water quality standards. We look forward to continuing work with you and your staff on implementation of the Pueblo of Sandia's water quality program. If you have any questions or concerns, please contact me at (214) 665-7101 or have your staff contact Andrew Pressly at (214) 665-2758.

Sincerely,

Kim Ngo
Acting Director
Water Division

Enclosure

ecc: Greg Kaufman
Director, Pueblo of Sandia Environment Department