

NPDES PERMIT NO. NM0028835

FACT SHEET

FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

APPLICANT

City of Socorro Wastewater Treatment Plant
P.O. Drawer K
302 Main Street
Socorro, NM 87801

ISSUING OFFICE

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
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PREPARED BY

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DATE PREPARED

July 22, 2010

PERMIT ACTION

EPA is proposing reissuance of the current permit issued May 25, 2006, with an effective date of June 1, 2006, and an expiration date of December 31, 2009.

RECEIVING WATER – BASIN

The Luis Lopez Drain, thence to Socorro Riverside Drain, thence to the Rio Grande in water quality Segment No. 20.6.4.105 of the Rio Grande Basin.

DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

4Q3	Lowest four-day average flow rate expected to occur once every three-years
BAT	Best available technology economically achievable
BCT	Best conventional pollutant control technology
BPT	Best practicable control technology currently available
BMP	Best management plan
BOD	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
F&WS	United States Fish and Wildlife Service
mg/l	Milligrams per liter (one part per million)
ug/l	Micrograms per liter (one part per billion)
MGD	Million gallons per day
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMIP	New Mexico NPDES Permit Implementation Procedures
NMWQS	New Mexico State Standards for Interstate and Intrastate Surface Waters
NPDES	National Pollutant Discharge Elimination System
ML	Minimum quantification level
O&G	Oil and grease
POTW	Publically owned treatment works
RP	Reasonable potential
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
SWQB	Surface Water Quality Bureau
TDS	Total dissolved solids
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

I. CHANGES FROM THE PREVIOUS PERMIT

There are significant changes of permit conditions from the current permit:

1. Delete monitoring requirement and effluent limitation for fecal coliform;
2. Established TMDL-based E. coli limitations,
3. Establish TMDL-based aluminum limitations,
4. Change critical dilution from 90% to 37%, and
5. Change monitoring frequencies.

II. APPLICANT LOCATION and ACTIVITY

The facility is located at 302 Main Street, in the City of Socorro, NM. The effluent from the site is discharged into the Luis Lopez Drain, thence to Socorro Riverside Drain, thence to the Rio Grande in water quality Segment No. 20.6.4.105 of the Rio Grande Basin. The discharge is located on that water at Latitude 34° 03' 12" North and Longitude 106° 53' 18" West, in Socorro County, New Mexico.

Under SIC Code 4952 the discharge is from a POTW. The treatment processes include bar screen, grit removal, sequencing batch reactors, chlorine contact chamber, and dechlorination. The current design flow is 1.30 MGD.

The sludge produced at the site passes through a sludge thickener, aerobic digesters, belt-filter presses, then is trucked to the City's municipal landfill site.

III. EFFLUENT CHARACTERISTICS

The facility submitted effluent data with its Application Form 2A, dated June 30, 2009. The permit application was received on July 8, 2009, and determined to be administratively complete on July 14, 2009. Effluent characteristics indicate that the following total recoverable metals were detected in the discharge:

Pollutant	Avg Conc. (µg/l) (Total Metal)	Convert to Dis. Metal (µg/l)
Arsenic	15.5	4.75
Zinc	37.0	4.62

The facility's DMRs for the period of January 2007 through June 2009 show no exceedance of effluent limitations.

IV. REGULATORY AUTHORITY/PERMIT ACTION

In November 1972, Congress passed the Federal Water Pollution Control Act establishing the NPDES permit program to control water pollution. These amendments established technology-based or end-of-pipe control mechanisms and an interim goal to achieve "water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for

recreation in and on the water,” more commonly known as the “swimmable, fishable” goal. Further amendments in 1977 of the CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry and established the basic structure for regulating pollutants discharges into the waters of the United States. In addition, it made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. Regulations governing the EPA administered NPDES permit program are generally found at 40 CFR §122 (program requirements & permit conditions), §124 (procedures for decision making), §125 (technology-based standards) and §136 (analytical procedures). Other parts of 40 CFR provide guidance for specific activities and may be used in this document as required.

V. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

A. OVERVIEW of TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations contained in 40 CFR §122.44 requires that NPDES permit limits are developed that meet the more stringent of either technology-based effluent limitation guidelines, numerical and/or narrative water quality standard-based effluent limits, or the previous permit.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

Regulations promulgated at 40 CFR §122.44 (a) require technology-based effluent limitations to be placed in NPDES permits based on ELGs where applicable, on BPJ in the absence of guidelines, or on a combination of the two. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ procedures. EPA establishes limitations based on the following technology-based controls: BPT, BCT, and BAT. These levels of treatment are:

BPT - The first level of technology-based standards generally based on the average of the best existing performance facilities within an industrial category or subcategory.

BCT - Technology-based standard for the discharge from existing industrial point sources of conventional pollutants.

BAT - The most appropriate means available on a national basis for controlling the direct discharge of toxic and non-conventional pollutants to navigable waters. BAT effluent limits represent the best existing performance of treatment technologies that are economically achievable within an industrial point source category or subcategory.

The facility is a POTW treating sanitary wastewater. POTW's have technology-based ELG's established at 40 CFR Part 133, Secondary Treatment Regulation. Pollutants with ELG's established are BOD, TSS and pH. BOD limits of 30 mg/l for the 30-day average and 45 mg/l for the 7-day average are found at 40 CFR §133.102(a). TSS limits; also 30 mg/l for the 30-day average and 45 mg/l for the 7-day average, are found at 40 CFR §133.102(b). ELG's for pH are between 6-9 s.u. and are found at 40 CFR §133.102(c). Regulations at 40 CFR §122.45(f)(1)

require all pollutants limited in permits to have limits expressed in terms of mass such as pounds per day. When determining mass limits for POTW's, the plant's design flow is used to establish the mass load. Mass limits are determined by the following mathematical relationship:

$$\text{Loading in lbs/day} = \text{pollutant concentration in mg/l} * 8.345 \text{ lbs/gal} * \text{design flow in MGD}$$

$$30\text{-day average TSS loading} = 30 \text{ mg/l} * 8.345 \text{ lbs/gal} * 1.3 \text{ MGD} = 325 \text{ lbs/day}$$

$$30\text{-day average BOD loading} = 30 \text{ mg/l} * 8.345 \text{ lbs/gal} * 1.3 \text{ MGD} = 325 \text{ lbs/day}$$

Technology-Based Effluent Limits – 1.3 MGD design flow.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			
	lbs/Day		mg/l (unless noted)	
Parameter	30-Day Avg.	7-Day Avg.	30-Day Avg.	7-Day Avg.
Flow	N/A	N/A	Measure MGD	Measure MGD
CBOD ₅	325	488	30	45
TSS	325	488	30	45
pH	N/A	N/A	6.0 – 9.0 standard units	

C. WATER QUALITY BASED LIMITATIONS

1. General Comments

Water quality based requirements are necessary where effluent limits more stringent than technology-based limits are necessary to maintain or achieve federal or state water quality limits. Under Section 301(b)(1)(C) of the CWA, discharges are subject to effluent limitations based on federal or state WQS. Effluent limitations and/or conditions established in the draft permit are in compliance with applicable State WQS and applicable State water quality management plans to assure that surface WQS of the receiving waters are protected and maintained, or attained.

2. Implementation

The NPDES permits contain technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and/or conditions are included in the NPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

3. State Water Quality Standards

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC amended through August 1, 2007). The facility discharges into the Luis Lopez Drain, thence to Socorro Riverside Drain, thence to the Rio Grande in segment number 20.6.4.105 of the Rio Grande Basin. The designated uses of the receiving water are irrigation, livestock watering, wildlife habitat, marginal warmwater aquatic life, and secondary contact.

4. Permit Action - Water Quality-Based Limits

Regulations promulgated at 40 CFR §122.44(d) require limits in addition to, or more stringent than effluent limitation guidelines (technology based). State WQS that are more stringent than effluent limitation guidelines are as follows:

a. BACTERIA

The current permit had effluent limitations for fecal coliform based on the pre-2005 WQS and those limitations became invalid after EPA approved the 2005 WQS. The draft permit proposes not to include a monitoring requirement and effluent limitation for fecal coliform because the WQS for fecal coliform was replaced with E. coli in the EPA approved NMWQS. The draft permit applies site-specific E. coli TMDL assigned to the facility- the daily limitation of 126 cfu/100 ml and 6.21×10^9 cfu/day at the point of discharge.

b. pH

Stream segment specific (20.6.4.105 NMAC) WQS for pH range of 6.6 - 9.0 su, is more restrictive than the technology-based pH range, so WQ-based pH applies.

c. TOXICS

i. General Comments

The CWA in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR §122.44 (d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criteria, the permit must contain an effluent limit for that pollutant.

All applicable facilities are required to fill out appropriate sections of the Form 2A and 2S, to apply for an NPDES permit or reissuance of an NPDES permit. The new form is applicable not only to Publicly Owned Treatment Works (POTWs), but also to facilities that are similar to POTWs, but which do not meet the regulatory definition of “publicly owned treatment works” (like private domestics, or similar facilities on Federal property). The forms were designed and promulgated to “make it easier for permit applicants to provide the necessary information with their applications and minimize the need for additional follow-up requests from permitting authorities,” per the summary statement in the preamble to the Rule. These forms became effective December 1, 1999, after publication of the final rule on August 4, 1999, Volume 64, Number 149, pages 42433 through 42527 of the FRL.

The facility is designated a major POTW for permitting purposes and must supply the expanded pollutant testing list described in EPA Application Form 2A. Detected toxic pollutants are presented above in Part III of this Fact Sheet.

Luis Lopez Drain is a perennial stream and the 4Q3 flow is 3.49 cfs which is 2.25 MGD. The CD for the facility is calculated to be 37 % ($1.3 \text{ MGD}/(1.3 + 2.25)$).

ii. Reasonable Potential

Stream flow data recorded at USGS Station (Station ID 08354900) in Rio Grande Floodway at San Acacia, and stream water quality data from NMED Station ID 32RGrand292.1 are used for RP calculations. The stream 4Q3 flow is 3.49 cfs; and harmonic mean flow, 3.24 cfs, geometric mean TSS, 312.9 mg/l, and geometric mean hardness, 143.6 mg/l. Based on the NMIP, RP is determined by comparing a discharged pollutant concentration times an appropriate statistical variability factor; 2.13, and then comparing the result against the instream criteria. The calculation results indicate that the discharge has no RP to cause or contribute to violations of State WQS.

The current permit issued on May 25, 2006, established final effluent limitations for total arsenic and the permittee was required to comply with the final limitations by June 1, 2009. This draft permit proposes to retain the effluent limitations for total arsenic but reduce the monitoring frequency from 2/week to 1/quarter because effluent data have demonstrated no RP. EPA may delete those effluent limitations and monitoring requirements if the facility can demonstrate significant treatment process improvement or more monitoring results demonstrate no RP. The RP screening spread sheet is in the file.

The ambient data have demonstrated that the average stream aluminum concentration has exceeded the WQS. The NMED has developed facility-specific TMDL for dissolved aluminum. The TMDL assigned to the City of Socorro is discussed in subsection 5. below.

iii. TRC

The facility uses chlorine for disinfection. EPA established a TRC limitation of 11 $\mu\text{g/l}$ based on an assumption of 0 cfs 4Q3 flow. Because Luis Lopez Drain is a perennial stream and the 4Q3 flow is 3.49 cfs which is 2.25 MGD, EPA recalculated the TRC effluent limitation and determined the proper TRC limitation should be the acute aquatic life criteria of 19 $\mu\text{g/l}$. The draft permit establishes an effluent limitation and monitoring requirement for TRC based on the criteria for aquatic life use.

5. TMDL Requirements

The NMED has developed site-specific TMDL document for the Middle Rio Grande Watershed and NM Water Quality Control Commission (WQCC) has approved the TMDL document. EPA proposes effluent limitations in accordance with the TMDL document in order to comply with State laws. The TMDL document proposes a daily effluent limitation of 126 cfu/100 ml and a WLA of 6.21×10^9 cfu/day (or 6210 Mcfu/day) of E. coli and a WLA of 0.943 lbs/day of dissolved aluminum for the City of Socorro. The final TMDL was approved by EPA on June 30, 2010. Also the WLA for dissolved aluminum was calculated based on the chronic aquatic life criteria, 87 $\mu\text{g/l}$. EPA propose both mass load and concentration effluent limitations for aluminum in the draft permit pursuant to the TMDL document.

Because federal regulations require effluent limitations for total recoverable, instead of dissolved, metals to be established in the permit. Linear partition coefficients are used to convert dissolved standards to total standards, or vice versa, for screening purpose. If a linear partition coefficient is not available, a ratio of dissolved/total metal concentration is assigned to be 1.0 for both screening and compliance purposes. Because a linear partition coefficient for aluminum is not available, the draft permit proposes effluent limitations for total aluminum and monitoring only requirement for dissolved aluminum. The permittee may use dissolved results to demonstrate in compliance with its TMDL limit or develop a site-specific aluminum linear partition coefficient. The draft permit proposed a three-year compliance schedule for meeting the TMDL-based effluent limitations.

D. MONITORING FREQUENCY FOR LIMITED PARAMETERS

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity, 40 CFR §122.48(b), and to assure compliance with permit limitations, 40 CFR §122.44(i)(1). Sample frequency is based on the November, 2009, NMIP. Based on the design flow of the facility, 1.3 MGD, monitoring frequencies are proposed to be daily for flow, pH, and TRC; once per week for BOD₅, TSS, and E. coli, and three samples per week for aluminum. As stated above, the monitoring frequency for total arsenic is 1/quarter.

Flow is proposed to be monitored continuously by totalizing meter. E. coli bacteria and pH shall use grab samples. The other parameters; BOD, TSS, arsenic, and aluminum shall use 24-Hr composite samples. TRC shall be sampled daily using instantaneous grab samples. Regulations at 40 CFR §136 define instantaneous grab as being analyzed within 15-minutes of collection.

E. WHOLE EFFLUENT TOXICITY LIMITATIONS

Procedures for implementing WET terms and conditions in NPDES permits are contained in the July 2009, Procedures for Implementing NPDES Permits in New Mexico (NMIP). Table 11 of Section V of the NMIP outlines the type of WET testing for different types of discharges. Since there is no history of WET failures during the last permit term and no known operational issues would indicate significant potential to exert toxicity in the receiving stream, therefore it is assumed that there is no reasonable potential to exceed WQS at this time. The permit proposes 7 day chronic WET testing using *Ceriodaphnia dubia* and *Pimephales promelas* at a once per three-month frequency starting with the first year of the permit consistent with the NMIP-WET guidance. If all these four tests pass both the lethal and sub-lethal test endpoints then the permit may allow a frequency reduction to once per six-months for *Ceriodaphnia dubia* and once per year for *Pimephales promelas*. Any failure shall re-establish all tests for the affected species to once per three-month for the remainder of the permit. The test series will be 0% (control), 16%, 21%, 28%, 37%, and 49%.

During the period beginning the effective date of the permit and lasting through the expiration date of the permit, the permittee is authorized to discharge from Outfall 001 - the discharge to Luis Lopez Drain, thence to Socorro Riverside Drain, thence to Rio Grande of the treatment system aeration basin. The aeration basin receives process area wastewater, process area stormwater, and treated sanitary wastewater. Discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE MONITORING</u>	
	<u>30-DAY AVG MINIMUM</u>	<u>7-DAY MINIMUM</u>
Whole Effluent Toxicity Testing (7 Day Static Renewal) <u>1/</u>		
<u><i>Ceriodaphnia dubia</i></u>	REPORT	REPORT
<u><i>Pimephales promelas</i></u>	REPORT	REPORT

<u>EFFLUENT CHARACTERISTIC</u>	<u>MONITORING REQUIREMENTS</u>	
	<u>FREQUENCY</u>	<u>TYPE</u>
Whole Effluent Toxicity Testing (7 Day Static Renewal)		
<u><i>Ceriodaphnia dubia</i></u>	1/Quarter	24-Hr. Composite
<u><i>Pimephales promelas</i></u>	1/Quarter	24-Hr. Composite

VI. FACILITY OPERATIONAL PRACTICES

A. SEWAGE SLUDGE

The permittee shall use only those sewage sludge disposal or reuse practices that comply with the federal regulations established in 40 CFR Part 503 "Standards for the Use or Disposal of Sewage Sludge". The specific requirements are detailed in Part IV of the permit.

B. WASTE WATER POLLUTION PREVENTION REQUIREMENTS

The facility has no significant industrial users. EPA determined that the permittee will not be required to develop a full pretreatment program.

C. OPERATION AND REPORTING

The applicant is required to operate the treatment facility at maximum efficiency at all times; to monitor the facility’s discharge on a regular basis; and report the results monthly. The monitoring results will be available to the public. The permittee may submit electronic DMRs if approved by EPA in according with section D.4, Part III of the permit.

VII. 303(d) LIST

Rio Grande segment 20.6.4.105 from San Marcial at USGS gage to the Rio Puerco is listed on the current “2008 - 2010 State of New Mexico 303(d) List for Assessed River/Stream Reaches Requiring Total Maximum Daily Loads (TMDLs)” for not supporting marginal warmwater

aquatic life and secondary contact and the probable causes of impairment are aluminum and E. coli. A TMDL document is developed and pending approval. The segment specific TMDLs are incorporated as effluent limitations into the draft permit as described in section V.C.5. above.

VIII. ANTIDegradation

The NMAC, Section 20.6.4.8 “Antidegradation Policy and Implementation Plan” sets forth the requirements to protect designated uses through implementation of the State water quality standards. The limitations and monitoring requirements set forth in the proposed permit are developed from the State water quality standards and are protective of those designated uses. Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The permit requirements and the limits are protective of the assimilative capacity of the receiving waters, which is protective of the designated uses of that water, NMAC Section 20.6.4.8.A.2.

IX. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet antibacksliding provisions of the Clean Water Act, Section 402(o) and 40 CFR §122.44(l)(i)(A), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation. The proposed permit does not relax any effluent limitations. Effluent limitations for fecal coliform in the current permit became invalid at the time EPA approved the 2005 NMWQS. Effluent limitation and monitoring requirements for arsenic may be deleted in the final permit based on new information, e.g., stream flow data, effluent data, and etc., which were not available in 2006.

X. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent Socorro County listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, http://www.fws.gov/southwest/es/NewMexico/SBC_view.cfm?spcnty=Socorro, eight species are listed as endangered: Socorro isopod, least tern, northern aplomado falcon, southwestern willow flycatcher, black-footed ferret, Rio Grande silvery minnow, Alamosa springsnail, and Socorro springsnail; and three are listed as threatened species: Chiricahua leopard frog, Mexican spotted owl, and piping plover.

Eleven species listed in Socorro County were consulted upon with U.S. Fish and Wildlife Service (FWS) in 2001 when EPA 6 last reissued the permit. EPA determined that the permitting action had “no effect” on black-footed ferret, whooping crane, interior least tern, northern aplomado falcon, bald eagle, Mexican spotted owl, piping plover, Socorro isopod, and Alamosa springsnail. The FWS concurred with EPA=s findings in the letter dated May 30, 2001, that the reissued permit Amay affect, but is not likely to adversely affect@ the southwestern willow flycatcher and the Rio Grande silvery minnow. The consultation was referred to as Cons. # 2-22-01-I-196.

EPA further evaluated the effect on Socorro spring snail and Chiricahua leopard frog in 2006 when EPA re-proposed the permit in 2006 and EPA determined “no effect” on these two species. EPA does not authorize any increase of pollutants to be discharged into the environment nor to significantly relax permit conditions through this permit renewal action. The facility has improved its treatment process since the last issuance of the permit. EPA determines that there is no change on the 2001 Section 7 of ESA consultation baseline and the permit renewal action has “no effect” on the rest of listed species.

XI. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit should have no impact on historical and/or archeological sites since no construction activities are planned in the reissuance.

XII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if State Water Quality Standards are promulgated or revised. In addition, if the State amends a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that TMDL. Modification of the permit is subject to the provisions of 40 CFR §124.5.

XIII. VARIANCE REQUESTS

No variance requests have been received.

XIV. CERTIFICATION

The permit is in the process of certification by the State Agency following regulations promulgated at 40 CFR 124.53. A draft permit and draft public notice will be sent to the District Engineer, Corps of Engineers; to the Regional Director of the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service prior to the publication of that notice.

XV. FINAL DETERMINATION

The public notice describes the procedures for the formulation of final determinations.

XVI. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(S)

EPA Application Form 2A received February 5, 2010.

B. 40 CFR CITATIONS

Citations to 40 CFR are as of January 20, 2010.

Sections 122, 124, 125, 133, 136

C. STATE OF NEW MEXICO REFERENCES

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, as amended through August 1, 2007.

Procedures for Implementing National Pollutant Discharge Elimination System Permits in New Mexico, November 2009.

2008 - 2010 State of New Mexico 303(d) List.

Final draft TMDL for the Middle Rio Grande Watershed, dated March 4, 2010

New Mexico Ecological Services Field Office- Listed and Sensitive Species in Socorro County.

Email from Sandra Gabaldon (NMED) to Isaac Chen (EPA), dated August 13 and 14, 2009, respectively.