



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lt. Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

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**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

March 29, 2019

Chad Gaines, Environmental Specialist  
Peabody Natural Resources Company  
P.O. Box 757  
Grants, New Mexico 87020

Subject: Lee Ranch Coal Mine Use Attainability Analysis proposed changes to 20.6.4.97 New Mexico Administrative Code ("NMAC")

Dear Mr. Gaines:

The New Mexico Environment Department ("NMED") Surface Water Quality Bureau ("SWQB") has reviewed the revised Use Attainability Analysis ("UAA") and public notice received on March 6, 2019.

Based on the Lee Ranch UAA Study, SWQB would like to propose alternate language to 20.6.4.97 NMAC from that which was proposed by Peabody. SWQB is proposing the following:

- (k) Ephemeral portions of San Isidro arroyo from the Lee Ranch Mine facility outfall Arroyo Chico upstream to Tinaja arroyo its headwaters, including the unnamed ephemeral tributaries to San Isidro arroyo;
- (l) Tinaja arroyo from San Isidro arroyo upstream to Mulatto canyon; and Ephemeral portions of arroyo Tinaja and its headwaters, including the unnamed ephemeral tributaries to arroyo Tinaja;
- (m) Mulatto canyon from Tinaja arroyo Tinaja upstream to 1 mile northeast of the Cibola national forest boundary; and
- (n) Ephemeral portions of Doctor arroyo from San Isidro arroyo upstream to its headwaters, including an unnamed ephemeral tributary to Doctor arroyo; and excluding the intermittent and perennial portions of Doctor Springs.

Chad Gaines, Environmental Specialist, Peabody Natural Resources Company  
March 29, 2019  
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If you have any questions please contact Jennifer Fullam, Water Quality Standards Coordinator, at (505) 827-2637 or [jennifer.fullam@state.nm.us](mailto:jennifer.fullam@state.nm.us).

Sincerely,

A handwritten signature in black ink that reads "Shelly Lemon". The signature is written in a cursive, flowing style.

Shelly Lemon,  
Bureau Chief  
Surface Water Quality Bureau

cc: Russell Nelson, Water Quality Division, United States Environmental Protection Agency (via electronic transmission)  
Kris Barrios, Program Manager, Monitoring Assessment and Standards Section, SWQB (via electronic transmission)  
Jennifer Fullam, Standards, Planning and Reporting Team Leader, SWQB (via electronic transmission)