



NEW MEXICO
ENVIRONMENT DEPARTMENT



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lt. Governor

Harold Runnels Building
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.env.nm.gov

BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

August 24, 2018

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

Subject: Use Attainability Analysis for the hydrologic determination of waterbodies within and adjacent to Lee Ranch Coal Mine

Dear Mr. Gaines:

The New Mexico Environment Department ("NMED") Surface Water Quality Bureau ("SWQB") received a Use Attainability Analysis ("UAA") on June 29, 2018 that was completed in accordance to the workplan approved by the SWQB on January 12, 2018.

Upon review, the elements necessary to demonstrate the hydrologic regime of the waterbodies within and adjacent to Lee Ranch Coal Mine permit area appear consistent with the Department's approved hydrology protocol and convey the elements as described in the approved workplan. The SWQB would like to emphasize that because "...the few springs that are located within and adjacent to the LRM permit area within the [San Isidro Arroyo] watershed feature limited and diffuse discharge that typically evaporates or soaks into the ground within short distances (< 900 feet)..." the springs should be excluded from an ephemeral hydrologic classification unless other evidence is provided (e.g., a Level 2 analysis) to support the view that "...intermittent or low flow conditions or water levels prevent the attainment of the use." 40 CFR 131.10(g)(2). The Department has no further comments at this time.

The Water Quality Control Commission ("WQCC") is water pollution control agency for the state of New Mexico and is responsible for adopting water quality standards for surface waters of the state. Therefore, in order to classify the identified stream segments within the San Isidro Arroyo watershed as ephemeral, the UAA must be brought to a hearing before the WQCC. Peabody has the option to bring the UAA before the WQCC in accordance with Subparagraph D of 20.6.4.15 NMAC. Please refer to 20.6.4.15 of the New Mexico Administrative Code ("NMAC") for more information.

If you have any questions regarding the process, please contact Jennifer Fullam, Water Quality Standards Coordinator, at (505) 827-2637 or jennifer.fullam@state.nm.us.

Sincerely,

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)