

STATEMENT OF BASIS

PERMITTEE: Transit Waste, LLC

FACILITY: Bondad Landfill

PERMIT NO.: CO-R050005

RESPONSIBLE OFFICIAL: William Rose, General Manager  
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FACILITY CONTACT: Luncinda Conway, Project Engineer  
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PERMIT TYPE: Minor Indian country, New Permit

This Statement of Basis is for a new National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water from the Bondad Landfill to an unnamed tributary of the Animas River.

**Background Information:**

Bondad Landfill is a municipal solid waste landfill operating within the boundaries of the Southern Ute Indian Reservation in La Plata County, Colorado, approximately 15 miles southeast of Durango, Colorado. It is owned and operated by Transit Waste. Golder Associates, Inc., is an engineering firm which provides consultation services to Transit Waste. Upon review of air quality permits issued by EPA, Golder Associates, Inc., became aware that Region 8 has authority over storm water discharges for facilities in Indian country. Bondad Landfill has been operating under the State of Colorado's general permit for Stormwater Discharges Associated with Heavy Industrial Activity, permit number COR-020423. This permit expired on December 31, 2011. Transit Waste has applied for coverage under Colorado's general permit to continue coverage until this permit is issued.

EPA received a complete Form 1 (General Information) and Form 2F (Storm Water) application to be covered under an NPDES individual permit from EPA Region 8 on November 29, 2011. Upon the effective date of this permit, coverage under the State of Colorado's general permit can then be terminated.

The outfall for storm water runoff from the Bondad Landfill is located at the southern end of the storm water retention pond located at the southern portion of the facility, latitude 37°3'15" N and longitude 107°51'45" W. Through the use of satellite photos and topographic maps, storm water runoff from this pond enters the Animas River at or near the confluence of the Animas and Florida Rivers on the Southern Ute Indian Reservation. EPA has not approved the State of Colorado's water quality standards for Indian country lands, as defined at 18 U.S.C. section 1151. The Southern Ute Indian Tribe has not applied to EPA for Treatment in a Similar Manner as a State (TAS) for purposes of the Clean Water Act Water Quality Standards program nor has the Tribe submitted Tribal water quality standards to EPA for federal approval. The Tribe has established Tribally-approved water quality standards which classify the Animas River for Aquatic Life Cold Class 1, Recreation Class 1, Agriculture and Water Supply. EPA considers the Tribe's classification in determining that the appropriate classification for this segment of the Animas River is: Aquatic Life Cold 1, Recreation Class 1, Water Supply, and Agriculture.

### **Water Quality Considerations:**

Pollutants in a discharge from this facility that are likely to be of potential water quality concern include biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS), pH, and oil and grease. Additional pollutants defined by EPA's Effluent Limitations Guidelines for the Landfills Point Source Category (65 FR 3048) as being indicative of runoff intermingling with the active portions of the landfill include ammonia (as N),  $\alpha$ -Terpineol, benzoic acid, *p*-Cresol, phenol, and zinc. Technology-based effluent limits have been applied in this permit for any storm water discharges from the facility for these parameters consistent with EPA's effluent guidelines.

Water quality based effluent limits have not been applied to discharges from the storm water retention pond at the Bondad Landfill in this permit with the exception of a limitation for oil and grease. The rationale for this is two-fold. First, the facility has never had a discharge from the retention pond which required sampling under the State of Colorado's general permit. Therefore, there is not a significant dataset from which to conduct a site-specific analysis to determine the "reasonable potential" of the discharge to cause or contribute to a violation of water quality standards. Second, the pond is designed for retention without release and has never had a storm-related discharge. Any discharges from the facility are likely to be related to a significant storm event for which there is a high level of on-site storm water dilution and instream dilution in the receiving waterbody, should the discharge reach the Animas River.

Should the storm water pond discharge during a significant storm event, Bondad Landfill will be required to provide sampling data to EPA which then can be used to re-evaluate whether there is reasonable potential to cause or contribute to a water quality standards violation and what limits may be needed to prevent such an occurrence. It will also be necessary to submit data to EPA should it be necessary to draw down the storm water retention pond for maintenance or to remain freeboard capacity. These data from a draw down event will be subject to the self-monitoring requirements and effluent limitations for Outfall 001 described in the permit. EPA may use data from these events as well to determine the potential need for water quality based effluent limits.

The effluent limitation for oil and grease is based on Best Professional Judgment. The limitation of 10 mg/L is commonly used in EPA permits and in Tribal permits as a concentration which can have detrimental impacts to impact aquatic life.

### **Monitoring Data:**

No monitoring data has been collected from the Bondad Landfill as there has never been a discharge from the pond which required monitoring from the State of Colorado's general permit. Under the State of Colorado's permit, monitoring was required for discharges resulting from a storm event that is greater than 0.1 inches in magnitude that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. This permit requires monitoring from the storm water retention pond for *all* discharges from the outfall. This includes draw downs for the purpose of pond maintenance or to maintain pond capacity as well as any unanticipated discharges regardless of whether these discharges are related to a storm event. Should there be any discharges from the storm water retention pond, monitoring will be required, and these data will be used to evaluate the need for water quality based effluent limits and/or revisions to the facility's permit to address non-structural and structural Best Management Practices (BMPs) which could be necessary to protect water quality.

**Effluent Limitations:**

The effluent limitations for Outfall 001 are shown below. These effluent limitations apply to all discharges from Outfall 001, regardless of whether the discharge is the result of a precipitation event.

Effluent Characteristic	Effluent Limitation	
	30-Day Average <u>a/</u>	Daily Maximum <u>a/</u>
BOD <sub>5</sub> , mg/L	37	140
Total Suspended Solids, mg/L	27	88
Ammonia (as N), mg/L	4.9	10
α-Terpineol, mg/L	0.016	0.033
Benzoic acid, mg/L	0.071	0.12
<i>p</i> -Cresol, mg/L	0.014	0.025
Phenol, mg/L	0.015	0.026
Zinc, mg/L	0.11	0.20
Oil and grease, mg/L	n/a	10.0
The pH of the discharge shall not be less than 6 standard units or greater than 9 standard units at any time.		

a/ See Definitions, Part 1.1, for definitions.

The effluent limitations for BOD, TSS, Ammonia (as N), Benzoic acid, *p*-Cresol, Phenol, Zinc, and pH, in this permit are based on the limits established in EPA’s Effluent Limitations Guidelines for the Landfills Point Source Category (65 FR 3048). These limits represent the effluent limitations attainable by the application of the best practicable control technology available (see 40 CFR§445.21).

The effluent limitation for oil and grease is based on Best Professional Judgment. The limitation of 10 mg/L is commonly used in EPA permits and in Tribal permits as a concentration which can have detrimental impacts to impact aquatic life.

A Storm Water Pollution Prevention Plan (SWPPP) must be also developed specifically for the landfill. A SWPPP was developed for the landfill as a requirement for coverage under the State of Colorado’s general permit. The SWPPP required by this permit is required as it is an effective tool for determining whether structural controls are being maintained properly to prevent intermingling of leachate or landfill runoff into the storm water drainage system and to determine whether there are modification needed to any of the structural and non-structural controls at the facility such that they continue to perform the desired functions necessary to meet the conditions of this permit. If the previously developed SWPPP that does not meet all of the requirements listed in the permit, it must be amended to conform with the SWPPP requirements in this permit. Such amendments must be completed within 60 days after the effective date of the permit. It is not required for the SWPPP to be submitted to EPA for review.

**Self-Monitoring Requirements**

The routine self-monitoring requirements for discharges from Outfall 001 are shown below.

Self-Monitoring Requirements - Outfall 001. At a minimum, upon the effective date of this permit, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire

monitoring period, it shall be stated on the Discharge Monitoring Report Form (EPA No. 3320-1) that no discharge or overflow occurred.

Effluent Characteristic	Frequency	Sample Type <u>a/</u>
Total Flow, mgd <u>b/</u>	Discharge <u>c/</u>	Instantaneous
BOD <sub>5</sub> , mg/L	Discharge <u>c/</u>	Grab
Total Suspended Solids, mg/L	Discharge <u>c/</u>	Grab
Ammonia (as N), mg/L	Discharge <u>c/</u>	Grab
$\alpha$ -Terpineol, mg/L	Discharge <u>c/</u>	Grab
Benzoic acid, mg/L	Discharge <u>c/</u>	Grab
<i>p</i> -Cresol, mg/L	Discharge <u>c/</u>	Grab
Phenol, mg/L	Discharge <u>c/</u>	Grab
Zinc, mg/L	Discharge <u>c/</u>	Grab
pH, units	Discharge <u>c/</u>	Grab
Oil and grease, visual <u>d/</u>	Discharge <u>c/</u>	Grab

a/ See Definitions, Part 1.1, for definition of terms.

b/ Flow measurements of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained. The average flow rate (in million gallons per day) during the reporting period and the maximum flow rate observed (in mgd) shall be reported. This may be estimated based on an estimate of peak flow and total volume calculated based on the precipitation event.

c/ The discharge shall be sampled once as soon as the permittee is aware that a discharge is occurring. After the first sample is collected, samples should be taken on an hourly basis thereafter until the discharge ceases. The composite of these samples shall be sampled and reported for each discharge from the facility on the Discharge Monitoring Report Form (EPA No. 3320-1).

d/ A visual observation is required to determine whether there is a visible sheen in the effluent any time the facility discharges from the storm water retention pond. If a visible sheen is detected, a grab sample shall be taken immediately and analyzed in accordance with the requirements of 40 CFR Part 136. The concentration of oil and grease shall not exceed 10 mg/L in any sample.

Facility-wide inspections are also required as follows:

Weekly Inspections. Weekly site inspections of the facility shall be conducted as a method to determine whether there are any concerns at the site which warrant repair or modification to structural controls. Weekly inspections should focus on Good Housekeeping Procedures, Preventative Maintenance BMPs, areas of landfills that have not yet been finally stabilized, active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization and structural control measures including stormwater diversion channels, leachate collection and treatment systems, and locations where equipment and waste trucks enter and exit the site. For stabilized sites and areas where land application has been completed, these inspections should be conducted at least once every month. The areas inspected, the inspector providing weekly inspections, and the date of inspection must be documented in a log book.

Comprehensive Facility Inspections. In addition to weekly inspections, qualified personnel identified by the operator shall make a comprehensive inspection of their storm water management system, at least twice per year (in the spring and fall). For these inspections it is necessary to inspect material handling areas, disturbed areas, areas used for material

storage that are exposed to precipitation, and other potential sources of pollution identified by the permittee, for evidence of, or the potential for, pollutants entering the drainage system. Structural storm water management measures, sediment and control measures, and other structural pollution prevention measures must be observed to ensure that they are operating correctly. A visual inspection of equipment needed to prevent pollutant discharges, such as spill response equipment, shall be made to confirm that it is readily available and in proper working order. These comprehensive facility inspections need to be summarized in a report. The report does not need to be submitted to EPA, but the report must be retained for at least three years after the date of the inspection.

**Endangered Species Act (ESA) Requirements**

Section 7(a) of the Endangered Species Act requires federal agencies to insure that any actions authorized, funded, or carried out by an Agency are not likely to jeopardize the continued existence of any federally-listed endangered or threatened species or adversely modify or destroy critical habitat of such species.

The following table lists the federally-listed endangered, threatened, proposed and candidate species for La Plata County, Colorado.

<b>Federally-Listed Endangered, Threatened, Proposed and Candidate Species for La Plata County, CO</b>			
<b>Species</b>	<b>Scientific Name</b>	<b>Status</b>	<b>Impact</b>
Black-footed Ferret	<i>Mustela nigripes</i>	E	NLAA
Canada Lynx	<i>Lynx Canadensis</i>	T	NLAA
Colorado Pikeminnow	<i>Ptychocheilus lucius</i>	E *	NLAA
Knowlton Cactus	<i>Pediocactus knowltonii</i>	E	NLAA
Humpback Chub	<i>Gila cypha</i>	E	NLAA
Bonytail Chub	<i>Gila elegans</i>	E	NLAA
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	T	NLAA
New Mexico Meadow Jumping Mouse	<i>Zapus hudsonius luteus</i>	C	NLAA
Razorback Sucker	<i>Xyrauchen texanus</i>	E *	NLAA
Schmoll Milk-Vetch	<i>Astragalus schmolliae</i>	C	NLAA
New Mexico Meadow Jumping Mouse	<i>Zapus hudsonius luteus</i>	C	NLAA
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	E	NLAA
Uncompahgre Fritillary Butterfly	<i>Boloria acrocnema</i>	E	NLAA
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C	NLAA

\* Water Depletions in the Upper Colorado River and San Juan River Basins may affect the species and/or critical habitat in downstream reaches in other states.

Symbols/Acronyms:

T	Threatened
E	Endangered
P	Proposed
C	Candidate
NLAA	Not Likely to Adversely Affect
LAA	Likely to Adversely Affect

The determinations of impact to the species listed in the table are based on the following criteria:

1. This permit is not a new issuance for the facility. It is the first EPA permit for this facility requiring endangered species act review. This facility has been permitted previously by the State of Colorado. The pre-defined areas of disturbance have not been changed upon EPA's issuance of the permit. EPA does not anticipate any impacts on listed species associated with the issuance of this permit as it will not be associated with any new ground disturbance or significant changes to the volume or points of discharge.
2. The Colorado pikeminnow and the Razorback sucker are listed as endangered due to water depletions of the Upper Colorado River and San Juan River Basins. This permit does not contribute to water depletions of these basins.
3. It does not appear that a critical habitat designation exists in La Plata County for the listed species.

Correspondence was submitted to the U.S. Fish and Wildlife Service – Western Slope Field Office in Grand Junction, CO to gather concurrence with the determinations as part of the public notice period of the permit.

**National Historic Preservation Act (NHPA) Requirements**

Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470(f) requires that federal agencies consider the effects of federal undertakings on historic properties. The EPA has evaluated its planned issuance of the NPDES permit for the Bondad Landfill facility to assess this action's potential effects on any listed or eligible historic properties or cultural resources. The EPA does not anticipate any impacts on listed/eligible historic properties or cultural resources because this permit is for an existing landfill and will not be associated with any new ground disturbance or significant changes to the volume or points of discharge.

**Miscellaneous**

The permit was public noticed in the Durango Herald on March 6, 2012. No comments were received during the public notice period.

The effective date for this permit will be June 1, 2012, and the expiration date of the permit will be May 31, 2017.

Permit drafted by Greg Davis, 8P-W-WW, February 10, 2012 / Revised February 23, 2012  
Permit reviewed by Robert Shankland, SEE, 8P-W-WW, February 13, 2012