

**NPDES PERMIT NO. NM0028827  
FACT SHEET**

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

**APPLICANT:**

City of Las Vegas WWTP  
905 12<sup>th</sup> Street  
Las Vegas, NM 87701

**ISSUING OFFICE:**

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Region 6  
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**DATE PREPARED:**

April 05, 2022

**PERMIT ACTION**

Proposed reissuance of the current NPDES permit issued March 23, 2017 with an effective date of May 1, 2017, and an expiration date of April 30, 2022.

**RECEIVING WATER – BASIN**

Gallinas River – Pecos River 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
E. coli	Escherichia coli
FCB	Fecal coliform bacteria
FWS	United States Fish and Wildlife Service
ug/l	Micrograms per liter (one part per billion)
mg/l	Milligrams per liter (one part per million)
MGD	Million gallons per day
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
ng/l	Nanograms per liter (one part per trillion)
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
USGS	United States Geological Service
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

Changes from the previously issued permit with an issue date of March 23, 2017, an effective date of May 1, 2017, and an expiration date of April 30, 2022, are:

- Reduction of Mercury and Bis(2-ethylhexyl)Phthalate monitoring frequency to once per week due to compliance with limits in the last permit cycle.
- BOD5 limits were changed from 30 mg/l (30-day) / 45 mg/l (7-day) to 20 mg/l (30-day) / 26 mg/l (7-day) based on DO modeling results.

## II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility is located on South Highway 85 (0.5 mile south of Las Vegas) in the City of Las Vegas, San Miguel County, New Mexico.

Under the Standard Industrial Classification Code 4952, the applicant operates a POTW with a design flow capacity of 2.50 MGD serving a population of approximately 15,000. The facility operates an activated sludge process. The entrance works consist of a 12-inch Parshall flume, a basket-type fine screen, aerated grit chamber, hydro-gritter system and grease skimmer.

Grit is removed from the bottom of the grit chamber via grit pumps and is sent to the grit cyclone. The separated water is directed back to the flow through the plant. The solids are then sent to the grit classifier, where the rest of the water and some organic material are sent through the plant, while the heavy organic material and grit is washed and deposited in a dumpster for final disposal at a landfill.

The influent passes to an internal lift station, then into two aeration basins along with Return Activated Sludge (RAS). The aeration basins are designed to remove the nitrogen by means of a nitrification-denitrification process. The aeration basins are equipped with a fine bubble aerations system and submersible mixers. Wastewater exits the aeration basins and is split into two secondary clarifiers. Floating solids are removed by a skimmer arm, sent to the clarifier's hoppers, and pumped back to the head of the aeration basin. RAS is drawn continually from the bottom of the two secondary clarifiers and sent back to the aeration basins. From the aeration basins, the water flows to secondary clarifiers and disk filters. Ultraviolet disinfection of the effluent is done following the filtration. Filtration is only done during irrigation season to prevent small solids from clogging the sprinklers – it is not done during the normal discharge to the river. Once the effluent has passed through polishing and UV disinfection it moves to the effluent transfer pump station.

From the effluent transfer pump station, the treated effluent can be discharged to the Gallinas River by gravity or pumped into a storage tank for chlorination when the facility is sending water within the city limits for reuse purposes.

To enhance the disinfection of the reclaimed effluent the facility is equipped with an on-site hypochlorite generation system. A booster pumpstation for pumping the effluent into the reuse

lines is also installed at the facility. The waste activated sludge is stabilized in the aerobic digesters and thickener tank, and then sent to the injection site. Reclaimed effluent is disposed of through an ongoing land application program that included sprinklers irrigation of city parks and ball fields, New Mexico Highlands University golf course, and PNM tanks for other uses permitted to those entities through their own New Mexico Environment Department discharge permit

The water that is not sent out for reuse enters an effluent basin that contains a wet well, flow meter, 18-inch Cipoletti (trapezoid) weir, and discharge pipe. An ISCO automatic sampler is housed in a refrigerator and located on a floor grate over the weir. The permittee collects its effluent samples just below the weir. The treated wastewater continues via gravity flow for approximately 700 feet through an underground pipe to the outfall located on the bank of the Gallinas River.

As described in the application, the facility is located at 2000 E of I-25 & Grand Avenue in the City of Las Vegas, San Miguel County, New Mexico. The effluent from the treatment plant is discharge into the Gallinas River (Perennial prt Aguilar Creek to Pecos Arroyo) in Segment No. 20.6.4.220 of the Pecos River Basin.

Discharges are located on that water at:

Outfall 001: Latitude 35° 33' 59.68" North and Longitude 105° 12' 42.37" West

During the most recent inspection on Jun 6, 2019 the facility received an overall rating of “unsatisfactory” in their operation and maintenance evaluation as reported on EPA ICIS (Integrated Compliance Information System). The report states that deficiencies were observed for “Potential failure to complete or submit a notification, report, certification, or manifest”, “Potential failure to follow a required sample monitoring procedure or laboratory procedure”, “Potential failure to identify or manage a regulated waste or pollutant in any media”, and “Potential failure to maintain/inspect/repair meters, sensors and recording equipment”. On May 7, 2018 the facility was issued an administrative order (AO) for NPDES permit violations for Total Aluminum violations and not submitting discharge monitoring reports (DMRs). There have been a total of twelve reported effluent limit violations, all for Total Aluminum, in DMRs submitted on 1/15/2022, 10/15/2021, 9/15/2020, 2/15/2020, 11/15/2019, 5/15/2019, 1/15/2019, 8/15/2018, 1/15/2018, 11/15/2017, 10/15/2017, and 9/15/2017.

### III. EFFLUENT CHARACTERISTICS

A quantitative description of the discharge(s) described in the EPA Permit Application Form 2A received January 27, 2022, are presented below:

POLLUTANT TABLE - 1

Parameter	Avg	Max
	(mg/l unless noted)	
Flow, million gallons/day (MGD)	2.5	2.5

Parameter	Avg	Max
	(mg/l unless noted)	
Temperature, winter	13 °C	14 °C
Temperature, summer	22 °C	24 °C
pH, minimum, standard units (SU)	N/A	7.08
pH, maximum, standard units (SU)	N/A	8.12
Biochemical Oxygen Demand, (BOD)	3.77	4.64
Fecal Coliform (FCB) (bacteria/100 ml)	3.5	22
Total Suspended Solids (TSS)	3.34	5.80
Ammonia (NH <sub>3</sub> )	0.4175	2.10
Chlorine, Total Residual (TRC)	0.00	0.01
Dissolved Oxygen (minimum)	6.83	6.93
Total Kjeldahl Nitrogen (TKN)	2.48	7.0
Nitrate plus Nitrite Nitrogen	0.5	1.5
Oil and grease	23.07	35
Phosphorus, Total	1.16	1.8
Total Dissolved Solids (TDS)	588	882
Antimony, ug/l	ND	ND
Arsenic, ug/l	ND	ND
Beryllium, ug/l	ND	ND
Cadmium, ug/l	ND	ND
Chromium, ug/l	ND	ND
Copper, ug/l	1.83	2.3
Lead, ug/l	0.147	0.22
Mercury, ug/l	.0048	0.0123
Nickel, ug/l	ND	ND
Selenium, ug/l	ND	ND
Silver, ug/l	ND	ND
Thallium, ug/l	ND	ND
Zinc, ug/l	48.6	49
Cyanide, ug/l	ND	ND
Total Phenolic Compounds, ug/l	ND	ND
Hardness (as CaCO <sub>3</sub> )	250	260
Acrolein, ug/l	ND	ND
Acrylonitrile, ug/l	ND	ND
Benzene, ug/l	ND	ND
Bromoform, ug/l	ND	ND
Carbon Tetrachloride, ug/l	ND	ND
Chlorobenzene, ug/l	ND	ND
Chlorodibromo-Methane, ug/l	ND	ND
Chloroethane, ug/l	ND	ND
2-Chloro-ethylvinyl Ether	ND	ND
Chloroform, ug/l	0.38	0.65
Dichlorobromo-Methane	ND	ND
1,1-Dichloroethane	ND	ND

Parameter	Avg	Max
	(mg/l unless noted)	
1,2-Dichloroethane	ND	ND
Trans-1,2-Dichloro-Ethylene	ND	ND
1,1-Dichloroethylene	ND	ND
1,2-Dichloropropane	ND	ND
1,3-Dichloro-Propylene	ND	ND
Ethylbenzene	ND	ND
Methyl Bromide	ND	ND
Methyl Chloride	ND	ND
Methylene Chloride	ND	ND
1,1,2,2-Tetrachlor-Ethane	ND	ND
Tetrachloro-Ethylene	ND	ND
Toluene	ND	ND
1,1,1-Trichloroethane	ND	ND
1,1,2-Trichloroethane	ND	ND
Trichloroethylene	ND	ND
Vinyl Chloride	ND	ND
P-Chloro-M-Cresol	ND	ND
2-Chlorophenol	ND	ND
2,4-Dichlorophenol	ND	ND
2,4-Dimethylphenol	ND	ND
4,6-Dinitro-O-Cresol	ND	ND
2,4-Dinitrophenol	ND	ND
2-Nitrophenol	ND	ND
4-Nitrophenol	ND	ND
Pentachlorophenol	ND	ND
Phenol	ND	ND
2,4,6-Trichlorophenol	ND	ND
Acenaphthene	ND	ND
Acenaphthylene	ND	ND
Anthracene	ND	ND
Benzidine	ND	ND
Benzo(A)anthracene	ND	ND
Benzo(A)pyrene	ND	ND
3,4 Benzo-fluoranthene	ND	ND
Benzo(GHI)perylene	ND	ND
Benzo(k)fluoroanthene	ND	ND
Bis(2-chloroethoxy)methane	ND	ND
Bis(2-chloroethyl)ether	ND	ND
Bis(2-chloroiso-propyl)ether	ND	ND
Bis(2-ethylhexyl)phthalate, ug/l	0.24	0.72
4-Bromophenyl phenyl ether	ND	ND
Butyl benzyl phthalate	ND	ND
2-chloronaphthalene	ND	ND

Parameter	Avg	Max
	(mg/l unless noted)	
4-chlorophenyl phenyl ether	ND	ND
Chrysene	ND	ND
Di-N-butyl phthalate	ND	ND
Di-N-octyl phthalate	ND	ND
Dibenzo(A,H) anthracene	ND	ND
1,2-dichlorobenzene	ND	ND
1,3-dichlorobenzene	ND	ND
1,4-dichlorobenzene	ND	ND
3,3-dichlorobenzidine	ND	ND
Diethyl phthalate	ND	ND
Dimethyl phthalate	ND	ND
2,4-dinitrotoluene	ND	ND
2,6-dinitrotoluene	ND	ND
1,2-diphenylhydrazine	ND	ND
Fluoranthene	ND	ND
Fluorene	ND	ND
Hexachlorobenzene	ND	ND
Hexachlorobutadiene	ND	ND
Hexachlorocyclopentadiene	ND	ND
Hexachloroethane	ND	ND
Indeno(1,2,3-CD)pyrene	ND	ND
Isophorone	ND	ND
Naphthalene	ND	ND
Nitrobenzene	ND	ND
N-Nitrosodi-N-propylamine	ND	ND
N-Nitrosodi-methylamine	ND	ND
N-Nitrosodi-phenylamine	ND	ND
Phenanthrene	ND	ND
Pyrene	ND	ND
1,2,4-Trichlorobenzene	ND	ND
Aldrin	ND	ND
Aluminum, dissolved	0.0203	0.055
Aluminum, total recoverable	0.0383	0.055
Gamma-BHC (Lindane)	ND	ND
Boron, dissolved	0.1633	0.2
Cadmium, dissolved	ND	ND
Chlordane	ND	ND
Chlorine residual	0.0	0.01
Chromium III, dissolved	ND	ND
Chromium VI, dissolved, ug/l	ND	0.067
Cobalt, dissolved	ND	ND
Diazinon	ND	ND
4,4'-DDT and derivatives	ND	ND

Parameter	Avg	Max
	(mg/l unless noted)	
Dieldrin	ND	ND
alpha-Endosulfan	ND	ND
Heptachlor epoxide	ND	ND
Manganese, dissolved, ug/l	2.6	5.7
Molybdenum, dissolved	ND	ND
Molybdenum, total recoverable Recover, ug/l	0.9	2.7
Nonylphenol	ND	ND
Polychlorinated Byphenyls (PCBs)	ND	ND
Adjusted gross alpha, pCi/l	1.027	1.75
Radium 226 + Radium 228, pCi/l	0.4791	0.777
Selenium, dissolved	0.000083	0.00025
Toxaphene	ND	ND
Tritium, pCi/l	8.11	15
beta-Endosulfan	ND	ND
Endrin	ND	ND
Heptachlor	ND	ND

\*ND- Non Detect

#### 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.

It is proposed that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a). The previous permit expires April 30, 2022 and a permit renewal application was received January 27, 2022 in accordance with provisions found at 40 CFR §122.21(d) and (e).

#### 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 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.

Technology-based effluent limitations are established in the proposed draft permit for TSS and BOD. Water quality-based effluent limitations are established in the proposed draft permit for E. coli bacteria, aluminum, cadmium, TRC, ammonia, temperature, and pH.

## 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 including BOD, TSS, fecal coliform, pH, and O&G.

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 City of Las Vegas WWTP 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 in this Chapter are BOD, TSS and pH. BOD limits of 30 mg/l for the 30-day average, 45 mg/l for the 7-day average, and 85% percent (minimum) removal are found at 40 CFR §133.102 (a). Please note that the BOD based on stream segment specific WQS are more stringent than the technology-based limits of 30 mg/l (30-day Average) and 45 mg/l (7-day Average). Mass loadings will be recalculated based on the more stringent concentrations. See Part V.C.4.d below. TSS limits are also 30 mg/l for the 30-day average and 45 mg/l for the 7-day average, and 85% percent (minimum) removal 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:

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

30-day average BOD/TSS loading = 30 mg/l \* 8.345 lbs/gal \* 2.5 MGD

30-day average BOD/TSS loading = 626 lbs

A summary of the technology-based limits for the City of Las Vegas WWTP is:

Final Effluent Limits – 2.5 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
BOD	626 (*2)	939 (*2)	30 (*2)	45 (*2)
BOD <sub>5</sub> , % removal, minimum	≥ 85% (*1)	N/A	N/A	N/A
TSS	626	939	30	45
TSS, % removal, minimum	≥ 85% (*1)	N/A	N/A	N/A

Footnote:\*1 – Percent removal is calculated using the following equation: (average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration.

Footnote:\*2 – The BOD<sub>5</sub> based on stream segment specific WQS are more stringent than the technology-based limits of 30 mg/l (30-day Average) and 45 mg/l (7-day Average). Mass loadings will be recalculated based on the more stringent concentrations. See Part V.C.4.d below.

## 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 New Mexico State Standards for Interstate and Intrastate Surface Waters are found at 20.6.4 NMAC, amended through July 24, 2020, and can be found at <https://www.epa.gov/sites/default/files/2014-12/documents/nmwqs.pdf>

The Gallinas River has designated uses of irrigation, livestock watering, wildlife habitat, marginal coldwater aquatic life and primary 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. pH

Gallinas River stream segment WQS require pH to be between 6.6 and 9.0 su. The State of New Mexico limits are more limiting than the technology-based limits presented earlier. The draft permit shall establish 6.6 to 9.0 su's for pH based on State of New Mexico stream segment specific WQS.

#### b. Bacteria

Stream segment specific (20.6.4.220 NMAC) WQS for E. coli bacteria is 126 cfu/100 ml daily monthly geometric mean and 410 cfu/100 ml daily maximum. These limits are identical to the previous permit and are continued in the draft permit.

#### c. Dissolved Oxygen (DO)

The State of New Mexico WQS criterion applicable to the cool-water aquatic life designated use is at least 6 mg/L for dissolved oxygen. As a part of the permitting process, EPA used the LA-QUAL water quality model, which is a steady-state one-dimensional model which assumes complete mixing within each modeled element, to develop permit parameters for the protection of the State of New Mexico surface water WQS for DO (i.e., 6 mg/L). Primarily based on the City of Las Vegas Wastewater Treatment Plant's design flow of 2.5 MGD (0.10953 m<sup>3</sup>/s) and the receiving water critical flow of 0.394 MGD (0.0173 m<sup>3</sup>/s), various BOD<sub>5</sub> factors including BOD<sub>5</sub> Secondary Treatment Standards were considered and simulated to achieve the DO criterion. A complete characterization of Gallinas River (i.e., water quality and hydrodynamic data) was not available. Where data were not available, estimates and assumptions are made. The following is a summary of model inputs.

- The City of Las Vegas Wastewater Treatment Plant's design flow is 2.5 MGD (0.10953 m<sup>3</sup>/s). The discharge location provided in the permit application is located at Latitude 35° 33' 59.68" N (35.5665), and Longitude -105° 12' 42.37" W (-105.2117). Other effluent

parameters provided in the permittee's application and applied in the model include DO (6.83 mg/L), E. Coli (3.5 CFU/100ml) and effluent temperature (22 C).

- NMED provided the following information. The critical low flow of Gallinas River receiving stream is approximately 0.394 MGD (0.0173 m<sup>3</sup>/s). Other parameters applied in the model include ambient temperature (18.1 C), Salinity (0.39 ppt), DO (Avg: 6.25 mg/L), and bacteria of 135.6 CFU/100ml, and the receiving stream average depth of 1 foot (0.5 meters) and width of 9 feet (3 meters) under critical flow conditions were assumed since no data available.
- EPA used the EPA's Environmental Justice Screening and Mapping Tool (Version 2019) to estimate the average elevation of the study area. The elevation at the outfall is approximately 1945 meter (6382 feet). The studied Gallinas River segment length is approximately 17.1 kilometers (10.63 miles), which was obtained from the Appendix A of the State of New Mexico's 2018-2020 Section 303(d)/Section 305(b) Integrated Report.

The model results show an excursion of the receiving stream DO standard of 6 mg/L when the BOD<sub>5</sub> limits of 30 mg/l for monthly average and 45 mg/l for 7-day average were applied (see graph with 30/45 mg/L BOD<sub>5</sub> in Appendix B; other detail information is available upon request). Various BOD<sub>5</sub> factors were considered and simulated to achieve the DO criterion; EPA believes the optimal levels of BOD<sub>5</sub> are 20 mg/l for monthly average and 26 mg/l for 7-day average (see attached graph with 26/20 BOD<sub>5</sub> in Appendix C). DMR data summarized in the Fact Sheet's Part III, Pollutant Table-1 above indicates that the facility is already meeting the proposed BOD limits and therefore a compliance schedule is not needed.

The model results are based on the assumptions and default values as explained and presented above. Should these conditions change, the model should be updated to provide a more accurate assessment of the water quality within the receiving water body.

The State of New Mexico WQS criterion applicable to the high quality coldwater aquatic life designated use requires dissolved oxygen of 6.0 mg/l or more. The evaluation demonstrated that the discharge would cause an excursion of the standard of 6 mg/L. As a result, the DO limit and monitoring frequency established in the previous permit is maintained in the draft permit.

#### d. BOD

The model results show an excursion of the receiving stream DO standard of 6 mg/L when the BOD<sub>5</sub> limits of 30 mg/l for monthly average and 45 mg/l for 7-day average were applied (see graph with 30/45 mg/L BOD<sub>5</sub> in Appendix B; other detail information is available upon request). Various BOD<sub>5</sub> factors were considered and simulated to achieve the DO criterion; EPA believes the optimal levels of BOD<sub>5</sub> are 20 mg/l for monthly average and 26 mg/l for 7-day average (see attached graph with 26/20 BOD<sub>5</sub> in Appendix C). As the water-quality based limit is more stringent than the technology-based ELG standard, the more stringent limit will be applied. DMR data summarized in the Fact Sheet's Part III, Pollutant Table-1 above indicates that the facility is already meeting the proposed BOD limits and therefore a compliance schedule is not needed.

Final Effluent Limits – 2.5 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.
BOD	417	542	20	26
BOD <sub>5</sub> , % removal, minimum	≥ 85% (*1)	N/A	N/A	N/A

Footnote:\*1 – Percent removal is calculated using the following equation: (average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration.

#### e. Temperature

The WQS specific numeric criteria requires a 6T3 temperature of 25°C (77°F) and a maximum temperature of 29°C (84°F) for marginal coldwater aquatic life. However, segment specific numeric criteria are applicable for segment 20.6.4.220 of the Pecos River Basin. This segment requires a maximum temperature of 30°C (86°F). Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.

#### f. 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 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 as presented above in Part III of this Fact Sheet.

##### ii. Critical Conditions

Critical conditions are used to establish certain permit limitations and conditions. The State of New Mexico WQS allows a mixing zone for establishing pollutant limits in discharges. The state establish a critical low flow designated as 4Q3, as the minimum average four consecutive day flow which occurs with a frequency of once in three years. The SWQB of the NMED provided EPA with the 4Q3 of 0.61 cfs (0.394 MGD) and a harmonic mean flow of 2.26 cfs (1.458MGD).

For permitting purposes of certain parameters such as WET, the critical dilution of the effluent to the receiving stream is determined. The critical dilution, CD, is calculated as:

$CD = Q_e / (FQ_a + Q_e)$ , where:

$Q_e$  = facility flow (2.50 MGD)

$Q_a$  = critical low flow of the receiving waters (0.394 MGD)

$F$  = fraction of stream allowed for mixing (1.0)

$$\begin{aligned} CD &= 2.50 \text{ MGD} / [(1.0) (0.394) + 2.50] \\ &= 0.864 \\ &= 86.4 \% \end{aligned}$$

Data from the following sources are used to calculate initial dilution, in-stream wastewater concentrations, and effluent limitations:

Stream TSS (mg/l): 11 (Provided by NMED)

Stream Hardness (mg/l): 307 (Provided by NMED)

### iii. Reasonable Potential – Toxics

To determine if a pollutant has a reasonable potential to exceed a numeric criteria, the following steady state complete mixing zone model is used:

$$C_d = \{ (FQ_a * C_a) + (Q_e * C_e) \} / (FQ_a + Q_e) \text{ Where:}$$

$C_d$  = Instream wastewater concentration

$F$  = Fraction of stream allowed for mixing, as applicable,  $F = 1.0$

$C_e$  = reported pollutant concentration

2.13 = Statistical multiplier, (an estimate of the 95<sup>th</sup> percentile) for either a single available effluent concentration, or a geometric mean of effluent data concentration, as discussed in the EPA Region 6 document titled Effluent Variability Policy, dated September 17, 1991, or the most current revision thereof.

$C_a$  = Ambient stream concentration, if available

$Q_e$  = Wastewater treatment design flow in MGD (municipal facilities) 2.5 MGD

$Q_a$  = Critical low flow, 4Q3, of receiving stream, 0.394 MGD

This screen is shown as **Appendix A** of the Fact Sheet.

As shown in **Appendix A** of the Fact Sheet, no pollutants demonstrate RP to violate WQS consistent with the designated uses for the receiving water. Effluent limitations and monitoring requirements for Total Aluminum, Total Cadmium, Mercury, and Bis(2-ethylhexyl)Phthalate were established in the previous permits. The permittee had twelve exceedances of the stated aluminum limits during the last permit cycle. Therefore, the draft permit will maintain the Total Aluminum limits previously established and the monitoring frequency recommended in the NMIP. The proposed permit includes a reduction of Mercury and Bis(2-ethylhexyl)Phthalate monitoring frequency to once per week due to compliance with limits in the last permit cycle. The Total Cadmium effluent limitations and reduced monitoring requirement established in the previous permit will be maintained in the draft permit.

#### iv. Ammonia

The previous permit had year-round limitations for total ammonia of 4.0 mg/l, 30-day average and 6.0 mg/l, daily maximum. Ammonia control of 4 mg/l at the edge of the mixing zone demonstrates compliance with toxicity problems associated with ammonia discharges from wastewater for lethal effects.

The permittee did not violate its ammonia limits during the last permit cycle. Ammonia limit is continued in the proposed permit and measurement frequency is maintained at once per week.

#### v. TRC

The application indicates that the facility uses ultraviolet (UV) light for bacteria control. However, the facility chlorinates their reuse water which they use around the facility for things like spray down of floatables. TRC limitations and monitoring will be continued in the draft permit.

Since the facility discharges to perennial water, TRC limitation is calculated as follows:

$$CD = 86.4\%$$

The calculated in-stream concentration for chronic would be:  $11 \text{ ug/l} / 0.864 = 12.73 \text{ ug/l}$ . The acute end-of-pipe concentration for chlorine is 19 ug/l. The chronic end-of-pipe concentration for chlorine is more stringent than the acute concentration, since 12.73 ug/l is less than 19 ug/l.

The draft permit proposes to limit TRC as follows:

“Prior to final disposal, the effluent shall contain NO MEASURABLE total residual chlorine (TRC) at any time. NO MEASURABLE will be defined as no detectable concentration of TRC as determined by any approved method established in 40 CFR 136. If during the term of this permit the minimum quantification level for TRC becomes less than 11 ug/l, then 11 ug/l shall become the effluent limitation. The maximum TRC shall be monitored by instantaneous grab sample on a daily basis.”

#### vi. Total Aluminum

On May 7, 2018 the facility was issued an administrative order (AO) for NPDES permit violations for Total Aluminum violations and not submitting discharge monitoring reports (DMRs). There have been twelve reported effluent violations of Total Aluminum from DMRs submitted on 1/15/2022, 10/15/2021, 9/15/2020, 2/15/2020, 11/15/2019, 5/15/2019, 1/15/2019, 8/15/2018, 1/15/2018, 11/15/2017, 10/15/2017, and 9/15/2017. Based on the continued Total Aluminum effluent limit violations, the draft permit proposes continuing the limit (66.37 ug/l 30-day avg, 99.55 ug/l daily maximum) and maintaining the monitoring frequency (3/week based on the NMIP) established in the previous permit.

#### vii. Expanded Effluent Testing

The previous permit iteration implemented monitoring for an expanded list of pollutants (Permit Part 1.A: Additional Pollutants for Expanded Effluent Testing; See table below) as requested by NMED and documented in 20.6.4.900J(2)NMAC. Monitoring was required for these pollutants on the second, third, and fourth years of the permit from samples taken on the same day as the WET test even for that year. These monitoring requirements will be retained for the proposed draft permit.

EFFLUENT CHARACTERISTICS		EFFLUENT CHARACTERISTICS	
Pollutants	CAS Number	Pollutants	CAS Number
Aldrin	309-00-2	Heptachlor epoxide	1024-57-3
Aluminum, dissolved	7429-90-5	Manganese, dissolved	7439-96-5
Aluminum, total recoverable	7429-90-5	Molybdenum, dissolved	7439-98-7
Gamma-BHC (Lindane)	58-89-9	Molybdenum, total recoverable	7439-98-7
Boron, dissolved	7440-42-8	Nonylphenol	84852-15-3
Cadmium, dissolved	7440-43-9	Polychlorinated Biphenyls (PCBs)	1336-36-3
Chlordane	57-74-9	Adjusted gross alpha	
Chlorine residual	7782-50-5	Radium 226 + Radium 228	
Chromium III, dissolved	16065-83-1	Selenium, dissolved	7782-49-2
Chromium VI, dissolved	18540-29-9	Toxaphene	8001-35-2
Cobalt, dissolved	7440-48-4	Tritium	
Diazinon	333-41-5	beta-Endosulfan	33213-65-9
4,4'-DDT and derivatives		Endrin	72-20-8
Dieldrin	60-57-1	Heptachlor	76-44-8
alpha-Endosulfan	959-98-8		

#### 5. g. 303(d) List Impacts



The Gallinas River (Perennial portions Aguilar Creek to Pecos Arroyo), Segment 20.6.4.220 is listed as impaired on the "State of New Mexico Part 303(d) List for Assessed Stream and River Reaches, 2020-2022." The waterbody is assessed with irrigation, livestock watering, primary contact, and wildlife habitat as fully supporting. Marginal coldwater aquatic life is not supported due to nutrient/eutrophication biological indicators, temperature and turbidity with TMDLs for those pollutants estimated for 2023. Segment specific temperature limits and monitoring for Nitrogen and Phosphorous have been continued in the proposed permit. The proposed permit is limited for aluminum, cadmium, ammonia, mercury, dissolved oxygen and bis(2-ethylhexyl)phthalate based on the result of the water quality screening and the previous permits. There are no additional requirements beyond the already proposed technology-based and/or water-quality based requirements needed in the proposed permit.

The standard reopener language in the permit allows additional permit conditions if warranted by the additional data and/or TMDLs are completed.

#### 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 March, 2012, NMIP. Flow is proposed to be monitored daily by totalizing meter. E. coli bacteria, BOD, and TSS shall be sampled once a week. Sample type for BOD and TSS is 6-Hour composite, which is consistent with the previous permit and with the NMIP. Sample type for E. coli shall be by grab sample. Ammonia, and cadmium shall be monitored one times per week using grab sample. Aluminum monitoring frequency is maintained at five times per week using grab sample. Dissolved oxygen shall be monitored daily using grab sample. TRC shall be monitored daily. Sample type for TRC shall be instantaneous grab. Regulations at 40 CFR §136 define instantaneous grab as being analyzed within 15-minutes of collection.

#### E. WHOLE EFFLUENT TOXICITY TESTING

##### OUTFALL 001

In Section V.C.4.c.ii above; "Critical Conditions", it was shown that the critical dilution, CD, for the facility is 86%. Based on the nature of the discharge; POTW, the design flow; more than 1.0 MGD, the nature of the receiving water; perennial, and the critical dilution; 86%, the NMIP directs the WET test to be a 7 day chronic test using *Ceriodaphnia dubia* and *Pimephales promelas* at a once per quarter frequency consistent with the NMIP. The test series will be 0% (control), 27%, 36%, 48%, 65%, and 86%. The critical dilution has been reduced from 87% in the previous permit to 86% due to a new 4Q3 reading for the receiving water from NMED. This will not constitute backsliding because this change does not modify a limitation to a less stringent limitation.

During the last permit term, the effluent exhibited no failures for the *Ceriodaphnia dubia* and *Pimephales promelas*. (see the EPA Reasonable Potential Analyzer, Appendix A).

In 2005, a TRE was performed that identified ammonia as the cause of toxicity. Ammonia was subsequently limited in the previous permit in lieu of WET limits as indicated under 40 CFR 122.44 (d) (1)(v).

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 Gallinas River 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:

WHOLE EFFLUENT TOXICITY TESTING (7-Day Chronic Static Renewal/ NOEC) *	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<i>Ceriodaphnia dubia</i>	Report	Once/Quarter	24-Hr Composite
<i>Pimephales promelas</i>	Report	Once/Quarter	24-Hr Composite

\*Monitoring and reporting requirements begin on the effective date of this permit. See Part II of the permit for WET testing requirements and additional WET monitoring and reporting conditions. Grab samples are allowed per method, if needed.

## 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 in the permit apply as a result of the design flow of the facility, the type of waste discharged to the collection system, and the sewage sludge disposal or reuse practice utilized by the treatment works. The permittee shall submit an Annual Sludge Status report in accordance with the NPDES Permit NM0028827, Parts I and Parts IV.

### B. WASTE WATER POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute programs directed towards pollution prevention. The permittee will institute programs to improve the operating efficiency and extend the useful life of the treatment system.

### C. INDUSTRIAL WASTEWATER CONTRIBUTIONS

The permittee is required to conduct an industrial user survey. The results of an industrial user survey should consist of a qualitative analysis of pollutants being contributed by all industrial sources in its entire municipal system (including all treatment plants). The industrial users should be asked to provide information on the type and approximate quantity of pollutants discharged into the system. This information may be derived from knowledge of the facility's process, and should not require any sampling at the source. The results are due 6 months from the effective date of the permit.

The treatment plant has no non-categorical Significant Industrial User's (SIU) and no Categorical Industrial User's (CIU). The EPA has tentatively determined that the permittee will

not be required to develop a full pretreatment program. The Facility has a tentative proposal to accept waste from groundwater contamination processing, which may require reevaluation on this or the following permit cycle depending on its approval and implementation.

However, general pretreatment provisions have been required (see Permit, Part II, Section D: Contributing Industries and Pretreatment Requirements). The facility is required to report to EPA, in terms of character and volume of pollutants any significant indirect dischargers into the POTW subject to pretreatment standards under §307(b) of the CWA and 40 CFR Part 403. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403. The following pollutants may not be introduced into the treatment facility: Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21; Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharge; Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference; Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW; Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits; Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through; Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and any trucked or hauled pollutants, except at discharge points designated by the POTW.

#### D. 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.

Reporting requirements and the requirement of using EPA-approved test procedures (methods) for the analysis and quantification of pollutants or pollutant parameters are contained in 40 CFR 122.41(l) and 40 CFR 122.21 (e), respectively. All Discharge Monitoring Reports (DMRs) shall be electronically reported effective December 21, 2016 per 40 CFR 127.16. The monitoring results will be available to the public.

#### Sufficiently Sensitive Analytical Methods (SSM)

The permittee must use sufficiently sensitive EPA-approved analytical methods (SSM) (under 40 CFR part 136 or required under 40 CFR chapter I, subchapters N or O) when quantifying the presence of pollutants in a discharge for analyses of pollutants or pollutant parameters under the

permit. In case the approved methods are not sufficiently sensitive to the limits, the most SSM with the lowest method detection limit (MDL) must be used as defined under 40 CFR 122.44(i)(1)(iv)(A). If no analytical laboratory is able to perform a test satisfying the SSM in the region, the most SSM with the lowest MDL must be used after adequate demonstrations by the permittee and EPA approval.

## VII. 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. This permit is not for a new discharger and does not increase pollutant loads from an existing discharger, therefore an antidegradation review is not required. 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.

## VIII. 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 maintains the mass loading requirements of the previous permit for Ammonia, BOD and TSS. All of the changes represent permit requirements that are consistent with the States WQS and WQMP.

## IX. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Information for Planning and Consultation (IPaC), <https://ipac.ecosphere.fws.gov/>, San Miguel County has seven candidate, threatened, or endangered species listed. The Rio Grande Cutthroat Trout (*Oncorhynchus clarkii virginalis*) and Monarch Butterfly (*Danaus plexippus*) are listed as candidate species for this county. The Mexican Spotted Owl (*Strix occidentalis lucida*) and Yellow-billed Cuckoo (*Coccyzus americanus*) are listed as threatened species for this county. Lastly, the New Mexico Meadow Jumping Mouse (*Zapus Hudsonius luteus*), Southwestern Willow Flycatcher (*Empidonax traillii extimus*), and Holy Ghost ipomopsis (*Ipomopsis sancti-spiritus*) are listed as endangered species for this county. The county is also designated as critical habitat for the Mexican Spotted Owl (*Strix occidentalis lucida*).

The EPA made a “no effect” determination for federally listed species in the previous permit issued May 1, 2017.

In accordance with requirements under section 7(a)(2) of the Endangered Species Act, EPA has reviewed this permit for its effect on listed threatened and endangered species and designated critical habitat. After review, EPA has determined that the reissuance of this permit will have “no effect” on listed threatened and endangered species nor will adversely modify designated critical habitat. EPA makes this determination based on the following:

1. The Mexican Spotted Owl inhabits hardwood and coniferous forest habitats, nesting in trees and rock crevices and preying upon small mammals and birds. The permitted discharge is not anticipated to affect its critical habitat.
2. The Holy Ghost Ipomopsis is only known to grow in Holy Ghost Canyon, which is not part of the downstream watershed for the permitted discharge. The permitted discharge is not anticipated to affect the species.
3. The Yellow-billed Cuckoo inhabits deciduous woodland areas, foraging for insects among the shrubs and trees. The permitted discharge is not anticipated to affect the species.
4. The Southwestern Willow Flycatcher inhabits riparian deciduous thickets, primarily feeding on insects. The permitted discharge is not anticipated to affect the species.
5. The New Mexico Meadow Jumping Mouse inhabits dense riparian herbaceous vegetation, feeding on a wide variety of plants. The permitted discharge is not anticipated to affect the species.
6. The Monarch Butterfly is a candidate species and therefore not covered under Section 7. The species feeds on various species of Milkweed, which grow in a variety of environments including streamside. The permitted discharge is not anticipated to affect the species.
7. The Rio Grande Cutthroat Trout is a candidate species and therefore not covered under Section 7. It inhabits high-elevation headwater streams and lakes, eating a variety of insects and fish. While the Gallinas River is considered part of the species historical distribution, a 2013 study shows no conservation populations in the Gallinas River (<https://www.wildlife.state.nm.us/fishing/native-new-mexico-fish/rio-grande-cutthroat-trout/>). The greatest factor for species decline is the introduction of non-native trout species. Effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.
8. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

Based on information described above, EPA Region 6 has determined that discharges proposed to be authorized by the proposed permit will have no effect on the listed species in San Miguel County.

#### X. 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.

#### XI. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of either States WQS are revised or remanded. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the State's Water Quality Standards are either revised or promulgated. Should either State adopt a new WQS, and/or develop or amend a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard and/or water quality management plan, in accordance with 40 CFR §122.44(d). Modification of the permit is subject to the provisions of 40 CFR §124.5.

## XII. VARIANCE REQUESTS

No variance requests have been received.

## XIII. 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.

## XIV. FINAL DETERMINATION

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

## XV. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

### A. APPLICATION(s)

EPA Permit Application received January 27, 2022 and found administratively complete on March 21, 2022.

### B. 40 CFR CITATIONS

Citations to 40 CFR 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 October 27, 2020.

Procedures for Implementing National Pollutant Discharge Elimination System Permits in New Mexico, March 2012.

State of New Mexico Clean Water Act §303(d)/§305(b) Integrated List of Assessed Surface Waters, 2020-2022

State of New Mexico Game & Fish (<https://www.wildlife.state.nm.us/>)

#### D. MISCELLANEOUS CORRESPONDENCE

Application received for renewal of NPDES permit NM0028827 from Boot Pierce, Glorieta Geoscience, Inc., on January 27, 2022.

Matias Fernandez, EPA, called Ruben Alayon-Gonzalez, EPA, on February 4, 2022 requesting advice on major POTW permitting.

Matias Fernandez, EPA, emailed Susan Lucas Kamat, NMED, on February 10, 2022 requesting 4Q3, harmonic mean flow, and ambient water quality estimates for the NM0028827 permit.

Matias Fernandez, EPA, emailed Boot Pierce, Glorieta Geoscience, Inc., on February 14, 2022 a 'Letter of Incompleteness' for NM0028827 informing the applicant that its NPDES application received January 27, 2022, is administratively incomplete.

Boot Pierce, Glorieta Geoscience, Inc., called and emailed Matias Fernandez, EPA, on February 16, 2022 regarding updated data for the permit application.

Matias Fernandez, EPA, called Brent Larsen, EPA, on February 18, 2022 requesting advice on NPDES application data requirements.

Matias Fernandez, EPA, called Boot Pierce, Glorieta Geoscience, Inc., on February 18, 2022 regarding the data requirements for their NPDES application.

Boot Pierce, Glorieta Geoscience, Inc., emailed Matias Fernandez, EPA, on March 17, 2022 with the revised application. Further updates received March 18, 2022 and March 21, 2022.

The application renewal for permit NM0028827 was found administratively complete on March 21, 2022.

Matias Fernandez, EPA, emailed Silvia Zavala, EPA, on March 21, 2022 requesting a review of the permit's WET testing. On March 22, 2022, Silvia requested the WET lab results for the 7/15/2021 DRM.

Matias Fernandez, EPA, emailed Boot Pierce, Glorieta Geoscience, Inc., a Letter of Completeness for permit NM0028827 on March 22, 2022.

Matias Fernandez, EPA, emailed Boot Pierce, Glorieta Geoscience, Inc., on March 22, 2022 requesting the WET lab results for the 7/15/2021 DRM. Data received March 23, 2022 and passed along to Silvia Zavala.

Silvia Zavala, EPA, emailed Matias Fernandez, EPA, on March 24, 2022 with updated WET language for the permit and fact sheet.