NPDES PERMIT NO. NM0023477
FACT SHEET

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

APPLICANT

Village of Fort Sumner Wastewater Treatment Plant
173 East Avenue C
Fort Sumner, NM 88119

ISSUING OFFICE

U.S. Environmental Protection Agency
Region 6
1201 Elm St., Suite 500
Dallas, TX 75270

PREPARED BY

Ruben Alayon-Gonzalez
Environmental Engineer
NPDES Permitting and Wetlands Section (WD-PE)
Water Division

DATE PREPARED

March 10, 2023

PERMIT ACTION

Proposed reissuance of the current permit issued April 20, 2018, with an effective date of May 1, 2018, and an expiration date of April 30, 2023.

RECEIVING WATER – BASIN

The Pecos River, Segment No. 20.6.4.207 NMAC - Pecos River Basin. The designated uses of this segment are irrigation, marginal warm water aquatic life, livestock watering, wildlife habitat and primary contact.

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
µg/L	Micrograms per liter
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
MQL	Minimum quantification level
O&G	Oil and grease
PCB	Polychlorinated Biphenyl
POTW	Publicly owned treatment works
RP	Reasonable potential
SBR	Sequencing Batch Reactor
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
SHPO	State Historic Preservation Officer (SHPO)
SWQB	Surface Water Quality Bureau
TDS	Total dissolved solids
THPO	Tribal Historic Preservation Officer (THPO)
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
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

In this document, references to State WQS and/or rules shall mean either the State of New Mexico and/or any Tribe.

I. CHANGES FROM THE PREVIOUS PERMIT

Changes from the permit previously issued April 20, 2018, with an effective date of May 1, 2018, and an expiration date of April 30, 2023.

A. Designated uses of the receiving water changed from Secondary to Primary Contact per the NMWQS as approved through February 8, 2023.

B. Limits for E. coli have been changed to a monthly geometric mean of 126 cfu/100 mL or MPN/100 ml, [and] a single sample of E. coli bacteria of 410 cfu/100 mL or MPN/100 mL.

C. Total Residual Chlorine maximum limit has changed to 11 µg/l.

D. Critical Dilution changed to 14% because of an updated 4Q3 critical low flow.

E. WET limits have been revised and changed due to updated 4Q3 critical low flow.

F. Added influent data reporting requirements for BOD_5 and TSS on DMRs.

G. Sanitary Sewer Overflows (SSOs), bypass and anticipated bypass events shall be electronically reported to EPA per 40 CFR 127.26(f).

II. APPLICATION LOCATION and ACTIVITY

LOCATION

As described in the application, the plant site is located between Salt Cedar Street and Sewer Plant Drive, in De Baca County, New Mexico. The Outfall is located at the following coordinates:

Outfall 001: Latitude 34° 26' 29" N; Longitude 104° 14' 5" W

The effluent from the treatment plant is discharged into the receiving water named Pecos River, in water body Segment Code No. 20.6.4.207 NMAC of the Pecos River Basin.

ACTIVITY

The facility consists of headworks (Grit chamber, pumps, and automatic rake), dual Sequencing Batch Reactor (SBR) system, one digester, three sludge beds, one drying bed, one equalization basin, and UV disinfection. A detailed description of the wastewater treatment process is as follows. There are three lifts stations throughout the Village's collection system. The entrance works to the plant consist of a comminutor with a bypass to an automated bar screen which runs every 15 minutes. The grit is currently landfilled. The headworks also consist of an aerated grit chamber and a 6-inch Parshall flume. The influent is then lifted by two alternating submersible pumps to the two separate SBR basins.

Flow is cycled through the basins during phases which consists of fill/mix, settling and decant periods to treat the wastewater entering the plant. There are four small blowers which provide aeration to these two units. An aerobic sludge digester is located between the two SBR units. Decant water from the SBR units enter a flow equalization unit (Schreiber unit) which ensures an even flow to the disinfection system.

Disinfection of the wastewater is achieved through UV (ultraviolet) radiation. A single bank of lights is enclosed within the effluent flow to allow time for disinfection. Once flow passes through the UV disinfection unit, it proceeds through the old chlorine contact chamber before entering a 6-inch Parshall flume for flow measurement. Chlorination capabilities continue to be maintained at the plant in case the UV disinfection system needs to go off line for maintenance or repairs.

Rehabilitation improvements to the facility are projected as part of the Fort Sumner WWTP improvements project with technical plans approved on June 14, 2022. The project includes improvements to the digester including replacement of the floats with the attainment of operational level by November 2023.

The plant's design flow is 0.21 MGD with a monthly average of 0.06 MGD.

III. EFFLUENT CHARACTERISTICS

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

POLLUTANT TABLE – 1

Parameter	**Max.**	**Avg.**
Flow, million gallons/day (MGD)	0.241	0.067
pH, minimum, standard units (s.u.)	6.81	N/A
pH, maximum, standard units (s.u.)	7.96	N/A
Biochemical Oxygen Demand, 5-day (BOD_5)	12.2	3.63

Parameter	Max.	Avg.
Fecal Coliform (cfu /100 mL)	16,000	6.38 *
Total Suspended Solids (TSS) (mg/L)	34.3	5.11
Temperature (Winter) (C) – min.	22.8	15.6
Temperature (Summer) (C) – max.	29.1	23.4
Ammonia (as N)	19.0	9.0
Chlorine	N/A	N/A
Dissolved Oxygen	0.76	0.7
Nitrate/Nitrite	2.1/96	0.7/42.6
Total Kjeldahl Nitrogen (TKN)	21.0	9.6
Oil and Grease	ND	ND
Phosphorus (Total)	6.8	4.7
Total Dissolved Solids (TDS)	1110	1029

*Geometric mean

A summary of the last 36-months of available pollutant data: December 2019 through January 2023, taken from DMRs shows some exceedances of permit limits. See Pollutant Table 2.

POLLUTANT TABLE – 2

Pollutant/Limit	Month/Year of Exceedances - Value
E. coli/max – 2,507 cfu/100 ml	Sept./2020 – 16,000 cfu/100 mL Feb./2022 – 3,500 cfu/100 mL

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.

The permit application was received on November 7, 2022, the application was determined to be complete on November 9, 2022. It is proposed that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a). The existing NPDES permit was

issued April 20, 2018, with an effective date of May 1, 2018, and an expiration date of April 30, 2023.

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 require 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.

Technology-based effluent limitations are established in the proposed draft permit for TSS and BOD_5. Water quality-based effluent limitations are established in the proposed draft permit for *E. coli* bacteria, TRC, 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. The Village of Fort Sumner facility is a POTW that has 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 percent removal for each. 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). TSS 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(b). ELGs 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_5 = 30 mg/L * 8.34 lbs/gal * 0.21 MGD
30-day average BOD_5 = 52.57 lbs/day = 53 lbs/day

7-day average BOD_5 = 45 mg/L * 8.34 lbs/gal * 0.21 MGD
7-day average BOD_5 = 78.86 lbs/day = 79 lbs/day

30-day average TSS loading = 30 mg/L * 8.34 lbs/gal * 0.21 MGD
30-day average TSS loading = 52.57 lbs/day = 53 lbs/day

7-day average TSS loading = 45 mg/L * 8.34 lbs/gal * 0.21 MGD
7-day average TSS loading = 78.86 lbs/day = 79 lbs/day

The proposed permit calculated the mass loading for BOD_5 and TSS based on 0.21 MGD flow.
Technology-Based Effluent Limits - 0.21 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_5 effluent	53	79	30	45
BOD_5 influent	---	---	Report	---
BOD_5, % removal, minimum	---	---	≥ 85% (*)	---
TSS effluent	53	79	30	45
TSS influent	---	---	Report	---
TSS, % removal, minimum	---	---	≥ 85% (*)	---
pH	N/A	N/A	6.0 – 9.0 s.u.	

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

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 the PSWQS, 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. Water Quality Standards

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC effective January 19, 2023). Some but not all portions of the 2022 NMWQS submittal have been approved as of January 2023, revisions to aquatic life criteria are not approved at this time. However, revisions to human health criteria are approved. The facility discharges to the Pecos River segment from Yeso Creek to Truchas Creek (Assessment Unit NM-2207-02) in Segment

20.6.4.207 NMAC. The designated uses of this segment are irrigation, marginal warm water aquatic life, livestock watering, wildlife habitat 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

To protect both "Primary Contact and Marginal Warmwater Aquatic Life" designated uses, the State of New Mexico stream segment specific WQS require pH to be between 6.6 and 9 s.u. NMWQS (20.6.4.207 NMAC and 20.6.4.900 NMAC). The water quality-based limits for pH will be used in the permit since they are more stringent than the technology-based limits.

b. Bacteria

To protect "Primary Contact" designated use, New Mexico stream segment specific WQS require *E. coli* of 126 cfu/100 mL monthly geometric mean and 410 cfu/100 mL daily maximum, end-of-pipe. This draft permit will be more stringent with *E. coli* bacteria limits because of the "Primary Contact" designation. The results for E. coli may be reported as either colony forming units (CFU) or the most probable number (MPN), depending on the analytical method used.

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 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 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 as a minor but filled out the expanded pollutant testing section Part D of Form 2A. Reasonable Potential was run with the provided data and derivation of permit limits will be discussed below.

(ii) Critical Conditions

Critical conditions are used to establish certain permit limitations and conditions. The State of New Mexico WQS allow a mixing zone for establishing pollutant limits in discharges. The state establishes 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 for the Village of Fort Sumner WWTP.

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 = Qe/(F·Qa + Qe), where:

Qe = facility flow (0.21 MGD)
Qa = critical low flow of the receiving waters (1.34 MGD [= 0.2085 cfs])
F = fraction of stream allowed for mixing (1.0)

CD = 0.21 MGD/[(1.0)(1.34) + 0.21]
= 0.14
= 14%

(iii) TRC

The facility uses UV unit to disinfect the effluent. TRC of 11 µg/l (for wildlife habitat; 20.6.4.900.J NMAC) is established in case chlorine based-product is contributed in the treatment process or disinfection of treatment equipment. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.

d. Dissolved Oxygen

The State of New Mexico WQS criterion applicable to the marginal warm-water aquatic life designated use is at least 5 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., 5 mg/L). Primarily based on the Village of Fort Sumner Wastewater Treatment Plant's design flow of 0.21 MGD (0.0092 m^3/s) and the receiving water critical flow of 1.34 MGD (0.0587 m^3/s), various BOD_5 factors including BOD_5 Secondary Treatment Standards were considered and simulated to achieve the DO criterion. A complete characterization of Puerco 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 Village of Fort Sumner Wastewater Treatment Plant's design flow is 0.21 MGD (0.0092 m^3/s). The discharge point provided in the permit application is located at Latitude 34° 26' 29" N (34.4413), and Longitude 104° 14' 5" W (-104.2347). Other effluent parameters provided in the permittee's application and applied in the model

include Ammonia (9 mg/L), DO (Avg: 3.43 mg/L), Summer temperature (Avg: 23 ºC), Nitrate plus Nitrite Nitrogen (96 mg/L), and Fecal Coliform (Avg: 6.38 CFU/100ml.

- NMED provided the following information. The critical low flow of Pecos River receiving stream is approximately 1.34 MGD (0.0587 m^3/s). Other parameters applied in the model include critical ambient temperature (14.8 ºC), DO (Avg: 7 mg/L), Nitrate plus Nitrite Nitrogen (0.19mg/L) and E. Coli of 167 CFU/100ml. The studied Pecos River segment length is approximately 41.8 kilometers (26 miles). The receiving stream average depth of 4.5 feet (1.5 meters) at the critical flow conditions was assumed since no data available.

- The EPA used the State of New Mexico's OpenEnviroMap to estimate the average elevation of the study area and average width of Pecos River. The average elevation at the outfall is approximately 1216.8 meter (3992 feet). The average width of Pecos River at the critical flow conditions is approximately 14 meters.

The model results show no excursion of the receiving stream DO standard of 5 mg/L when the BOD_5 limits of 30 mg/l for monthly average and 45 mg/l for 7-day maxima were applied; other detail information is available upon request.

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.

5. 303(d) List Impacts

The current 2022-2024 State of New Mexico Integrated Clean Water 303(d)/305(b) Report shows that the Pecos River segment from Yeso Creek to Truchas Creek (Assessment Unit NM-2207-02) in Segment 20.6.4.207 NMAC is fully supporting all the uses.

No additional limitations are required to address 303(d) concerns and if at a later time a TMDL is completed, the standard reopener clause will allow additional limitations to be placed in the permit.

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).

Technology based pollutants; BOD_5 and TSS, are proposed to be monitored two (2) times per month using grab samples. BOD_5 and TSS percent removal calculation and influent data are proposed to be monitored once (1) per month. Flow shall be sampled continuously (daily) by totalizing meter. The monitoring type and frequency is consistent with the NMIP.

Water quality-based pollutant monitoring frequency for *E. coli* shall be sampled three (3) times per month using grab samples. When TRC is used as a bacteria control chemical for the effluent,

the maximum dechlorinated TRC shall be monitored daily by instantaneous grab, when chlorinating. TRC shall be measured within fifteen (15) minutes of sampling. The pollutant pH shall be monitored five (5) times per week by instantaneous grab consistent with the NMIP. Regulations at 40 CFR Part 136 define instantaneous grab as being analyzed within 15-minutes of collection.

E. WHOLE EFFLUENT TOXICITY LIMITATION REQUIREMENTS

OUTFALL 001

Procedures for implementing WET terms and conditions in NPDES permits are contained in the NMIP. Table 11 of Section V of the NMIP outlines the type of WET testing for different types of discharges.

Based on the nature of the discharge; wastewater treatment plant (POTW), the production flow; more than 0.1 MGD but less than 1.0 MGD, the nature of the receiving water; perennial, and the critical dilution (CD); 14%, the NMIP directs the WET test to be a 7-day chronic test using *Ceriodaphnia dubia* and *Pimephales promelas.* The WET limit for both species will be lowered since the CD has changed in this permit and several reproduction failures to the WET test in the past three years. The required monitoring frequency will be maintained at once per six-months.

The proposed permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests based on a 0.75 dilution series. These additional effluent concentrations shall be 6%, 8%, 11%, 14%, and 19% as the dilution series. The low-flow effluent concentration (critical low-flow dilution) is defined as 14% effluent.

Whole Effluent Toxicity Limits will be retained in this permit for both the lethal and sublethal endpoint for both test species. The WET limits are retained in order to ensure continued compliance with toxicity. The permittee is expected to continue complying with the WET limit for both species.

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 the Pecos River of the Pecos River Basin. Discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	**DISCHARGE MONITORING**	**MONITORING REQUIREMENTS**	
WHOLE EFFLUENT TOXICITY LIMITS (7Day Chronic NOEC) (*1)	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Pimephales promelas	14%	Once/6months	24-Hr Composite
Ceriodaphnia dubia	14%	Once/6 months	24-Hr Composite

FOOTNOTES

*1 Monitoring and reporting requirements begin on the effective date of this permit. Compliance with the Whole Effluent Toxicity limitations is required on the effective date of the permit. See PART II, Whole Effluent Toxicity Limitation Requirements for additional WET monitoring and reporting conditions.

VI. TMDL AND OTHER REQUIREMENTS

The Pecos River (segment from Yeso Creek to Truchas Creek) assessment unit is fully supporting all of his uses in the 2022-2024 List of Impaired Waters. A reopener clause is established in Part II of the permit, which allows the permit to be modified, if necessary, to conform with the approved Water Quality Management Plan (WQMP) final effluent limitations or an approved waste load allocation (WLA) as part of a TMDL.

VII. MONITORING AND E-REPORTING

The EPA promulgated a final rule in 2015 to modernize Clean Water Act reporting for municipalities, industries, and other facilities by converting to an electronic data reporting system. This final rule requires regulated entities to electronically report certain data required by the NPDES permit program instead of filing paper reports. The rule also requires that certain data be entered into EPA's national data system by NPDES Authorized States, Tribes, Territories, and Federal regulators. EPA regulations at 40 CFR 127.26(f) require that all NPDES permits issued on and after Monday, December 21, 2015, contain permit conditions requiring electronic reporting consistent with EPA electronic reporting regulations. These reports must contain the minimum set of NPDES program data identified in Appendix A, 40 CFR part 127. After December 21, 2016, the permittees are required to submit discharge monitoring reports (DMRs), including majors and minor POTWs/POTWS-like, and Sewage Sludge/Biosolids Annual Program Report.

By December 2025 or an alternative deadline established under 40 CFR 127.24 (e) or (f), the following reports must be submitted electronically (unless EPA directs otherwise, or the permittee received a waiver from electronic reporting): Pretreatment Program Annual Reports, and Sewer Overflow/Bypass Event Reports and Anticipated Bypass Notices.

The permittee may seek a waiver from electronic reporting to continue submitting reports on paper. To obtain an electronic reporting waiver, a permittee must first submit an electronic reporting waiver request to EPA Region 6. The waiver request should contain the following details: Facility name; NPDES permit number; Facility address; Name, address and contact information for the owner, operator, or duly authorized facility representative; and Brief written statement regarding the basis for claiming a waiver.

The region will either approve or deny this electronic reporting waiver request within 120 days. Permanent waivers from electronic reporting are only available to facilities owned or operated by members of religious communities that choose not to use certain technologies. The duration of a temporary waiver may not exceed 5 years, which is the normal period for an NPDES permit term. If a permittee wishes to continue coverage under a waiver from electronic reporting, they must re-apply for a new temporary waiver before the expiration of their existing waiver, even if this NPDES permit is administratively continued. Approved electronic reporting waivers are not

transferrable, whether permanent or temporary, are not transferrable and the facility will need to re-apply for a waiver upon any change in facility ownership.

Permittees with an approved and effective electronic reporting waiver must use the forms or formats provided by the region. The permittee must sign and certify all submissions in accordance with the requirements of Part III of this permit ("Signatory Requirements").

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. No expansions or increased loadings are planned for this permit term. 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 anti-backsliding 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 discharge limitations requirements of the previous permit for all pollutants.

X. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, http://www.fws.gov/endangered/, three species in DeBaca County are listed as endangered or threatened. Federally listed as Threatened is the Pecos bluntnose shiner *(Notropis simus pecosensis).* There is no Endangered species currently in this County since the Least Tern *(Sterna antillarum)* is in Recovery.

Pecos bluntnose shiner (*Notropis simus pecosensis*) historically occurred only in permanent flowing waters in the Rio Grande in New Mexico from El Paso, Texas north to near Abiquiu Reservoir on the Chama River, and in the Pecos river in New Mexico. Is a moderate-sized shiner separable from co-occuring shiners by its robust body, blund and rounded snout, and large, slightly subterminal mouth that usually extends even with the pupil. The species is pallid gray to greenish-brown dorsally and whitish ventrally. A 1982 study by the New Mexico Department of Game and Fish reported this fish in the Pecos River only from Fort Sumner to Artesia. Population estimates were not made, but the abundance of this species appeared to be substantially lower than in previous years. The most important factor in the species decline is reduced flow in the main channel of the river due to water storage, irrigation and water diversion.

The facility currently holds a permit with USEPA. The proposed permit will be for the re-issuance of the current permit issued on May 1, 2018, with controls to meet the current state water quality standards for the area of discharge. The proposed permit ensures that the discharge does not cause or contribute to an exceedance of water quality criteria for irrigation, livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact.

After review, EPA has determined that the reissuance of this permit will not change the environmental baseline established by the previous permit, and therefore, EPA concludes that 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. EPA determined a "No effect" during previous permit, issued on May 1, 2018.

2. No additional changes have been made to the US FWS list of threatened and endangered species and critical habitat designation in the area of the discharge since prior issuance of the permit.

3. EPA has received no additional information since May 1, 2018, previous permit effective date, which would lead to revision of its determinations.

4. EPA determines that Items 1, 2, and 3 result in no change to the environmental baseline established by the previous permit, therefore, EPA concludes that reissuance of this permit will have "no effect" on listed species and designated critical habitat.

XI. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

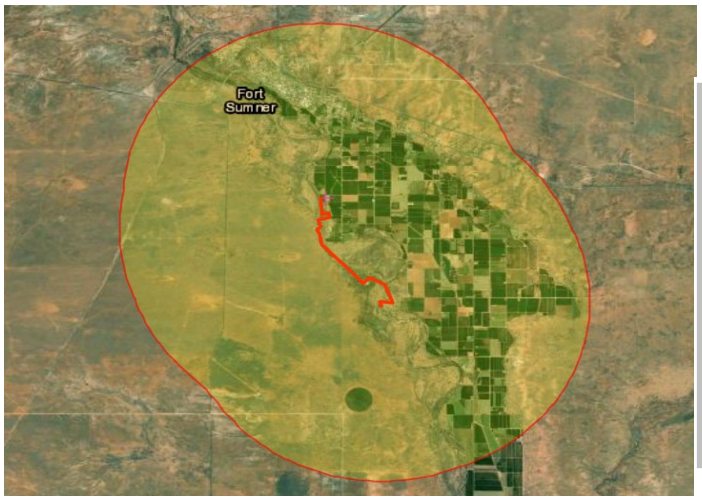
The reissuance of the permit should have no impact on historical and/or archeological since no construction activities are authorized by its issuance.

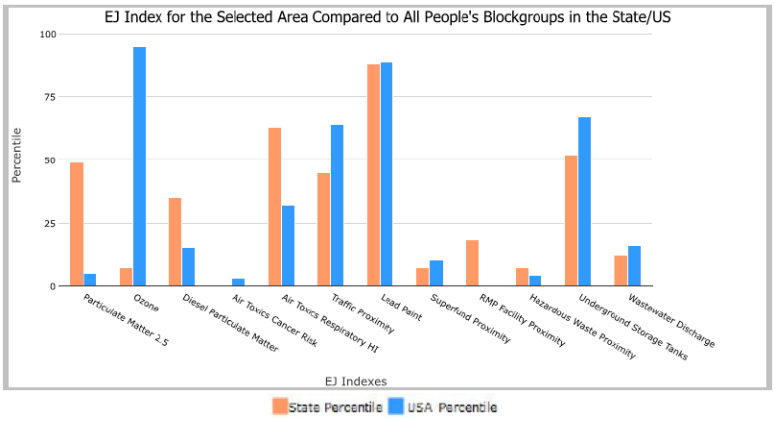
XII. ENVIRONMENTAL JUSTICE

Executive Order 13985, *Advancing Racial Equity and Supporting for Underserved Communities through the Federal Government* signed on January 20, 2021, directs each federal agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities." The EPA strives to enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process for EPA-issued permits, including NPDES permits. "Overburdened" communities can include minority, low-income, tribal, and indigenous populations or communities that potentially experience disproportionate environmental harms and risks. As part of an agency-wide effort, the EPA Region 6 will consider prioritizing enhanced public involvement opportunities for EPA-issued permits that may involve activities with significant public health or environmental impacts on already overburdened communities. For more information, please visit http://www.epa.gov/ejscreen.

As part of the Permit development process, the EPA conducted a screening analysis to determine whether this Permit action could affect overburdened communities. The EPA used EJScreen 2.1 a nationally consistent geospatial tool that contains demographic and environmental data for the United States at the Census block group level. This tool is used to identify Permits for which enhanced outreach may be warranted.

The study area was chosen at the proposed 001 discharge, 3-miles line buffer downstream of Fort Sumner WWTP. The highest EJ Screen score for the facility was at the 84 percentile (84%) for Lead Paint which is an indicative of old homes in the community. Notwithstanding, the 2015-2019 ACS Report indicates that the total population impacted is 1,533 and the total Hispanic population around the study area is currently 64%. From the results 69% of the population only speaks English at home and the other 31% of the population speaks English less than well. Therefore, identifying these limitations the EPA will translate the Public Notice to Spanish for the potential of enhanced participation of the community.





XIII. 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.

XIV. VARIANCE REQUESTS

No variance requests have been received.

XV. CERTIFICATION

The permit is in the process of certification by the State of New Mexico 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.

XVI. FINAL DETERMINATION

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

XVII. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(s)

EPA Application Form 1 and 2A received in our office December 4, 2017.

Additional data received by email November 28, 2017 and December 22. 2018.

B. 40 CFR CITATIONS

Citations to 40 CFR as of December 4, 2017.

Sections 122, 124, 125, 133, 136

C. STATE WATER QUALITY REFERENCES

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, as amended through January 2023.

Procedures for Implementing NPDES Permits in New Mexico, May 2011.

Statewide Water Quality Management Plan, December 17, 2002.
State of New Mexico 303(d) List for Assessed Stream and River Reaches, 2022-2024.

D. Other

US Fish and Wildlife Service (USFWS), Southwest Region 2 website,
http://www.fws.gov/endangered