

**RESPONSE TO COMMENTS**  
**Navajo Transitional Energy Company (NTEC) Navajo Mine Permit**  
**NPDES Permit No. NN0028193**  
**May 2025**

NTEC submitted comments on the draft NPDES Permit and Factsheet for the Navajo Mine via a letter on April 21, 2025. EPA has responded to the comments below.

**COMMENT 1:** NTEC acknowledges the reasonable potential analysis conducted based on previous discharge events. Under baseline conditions, sediment in the Chaco River, Pinabete Arroyo, and Cottonwood Arroyo is derived from a variety of natural sources, including erosion of soils on the hillsides, particularly from badland areas; erosion from roads and disturbed areas; and erosion of bed or banks of the stream channels. Flows in the arroyos draining NTEC's mining lease are flashy and occur in response to short duration, high intensity precipitation events usually during the seasonal thunderstorm months of July through November. Suspended sediment concentrations are high during storm runoff events and the sandy channel bed and bank materials are reworked by the larger flood events. Surface water sampling locations upstream and downstream of the mine lease have consistently shown water quality during these events exceed numeric Navajo Nation Surface Water Quality Standards.

**RESPONSE 1:** Noted.

**COMMENT 2:** NTEC incorporates fluvial geomorphic principles into reclaimed mine lands, which establishes and restores ephemeral streams and contributing watersheds to remain stable through precipitation events. These watersheds are designed to maximize plant communities and wildlife habitat and provide a stable landform for post-mine use. NTEC sedimentation ponds are designed to retain surface runoff from reclaimed or disturbed mine lands from either the 100yr-6hr or 10yr-24hr storm event. Based on historic annual rainfall, discharges are extremely rare and NTEC does not expect discharges to increase during the next permit term.

**RESPONSE 2:** Noted.

**COMMENT 3:** NTEC uses various Best Management Practices (BMP) throughout the mine to prevent erosion and collect sediment prior to reaching sedimentation ponds. BMPs typically utilized on the mine site consist of mulching on reclaimed mine lands, silt fence, straw wattles/bales, diversion ditches and riprap in drainages to collect sediment and prevent erosion. NTEC does not currently use polymer or other chemical treatments to improve water quality, however, may explore the availability of polymers and flocculants.

**RESPONSE 3:** Noted. EPA will include this information in the Factsheet

**COMMENT 4:** The timely issuance of Permit No. NN0028193 is essential to the ability of Navajo Mine to maintain coal inventory levels within contractual limits and ensure sufficient

deliveries to Arizona Public Service and the Four Corners Power Plant. Any further delays in approving the permit will cause operational delays at the mine, potentially affecting NTEC and the Navajo Nation. NTEC is a single member, limited liability company wholly owned by the Navajo Nation and contributes significantly to the Navajo Nation's general fund, accounting for approximately one-third of its revenue. Therefore, operational impacts on Navajo Mine and NTEC will ultimately affect the Navajo Nation and its people. NTEC appreciates the immediate priority given to this renewal by the USEPA.

**RESPONSE:** Noted.