

NPDES PERMIT NO. NM0031135

RESPONSE TO COMMENTS

RECEIVED ON THE SUBJECT DRAFT NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT IN ACCORDANCE WITH REGULATIONS
LISTED AT 40 CFR 124.17

APPLICANT: Farmington Electric Utility System - Bluffview Power Plant
101 N. Browning Parkway
Farmington, NM 87401

ISSUING OFFICE: U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270

PREPARED BY: Nichole Young
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Permitting Section (WDPE)
Water Division
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PERMIT ACTION: Final permit decision and response to comments received on the proposed
NPDES permit publicly noticed on November 16, 2024

DATE PREPARED: June 6, 2025

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40,
Code of Federal Regulations, revised as of June 6, 2025.

CHANGES FROM THE DRAFT PERMIT

- None

STATE CERTIFICATION

In a letter from Shelly Lemon, Bureau Chief, Surface Water Quality Bureau, to Troy C. Hill, P.E., Director, Water Division (EPA) dated January 14, 2025, NMED certified that the discharge will comply with the applicable provisions of Section 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law.

Following the receipt of the State Certification, the EPA exercised its discretionary authority under CWA § 401(a)(2) and notified the Navajo Nation, on March 26, 2025, that discharges associated with this permit “may affect” the water quality of waters within its’ jurisdiction. In accordance with 40 CFR 121.14(a), if the Navajo Nation determined that a discharge from the

project will violate any of its water quality requirements, it would have needed to notify the EPA within 60 days after receiving the “may affect” notice. The 60-day period ended May 25, 2025, and the EPA received no notification from the Navajo Nation.

CONDITIONS OF CERTIFICATION

None.

RESPONSE TO COMMENTS

EPA received comments from one individual/entities:

1. NMED

NMED Comment 1: NMED requests communications be addressed to Mr. Britt Chestnut at chestnut@farmingtonnm.gov.

EPA Response 1: Noted for the record. No changes have been made to the final permit.