NPDES PERMIT NO. NM0029505
FACT SHEET

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

APPLICANT

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DATE PREPARED

July 16, 2025

PERMIT ACTION

Proposed reissuance of the current National Pollutant Discharge Elimination System (NPDES) permit issued July 30, 2020, with an effective date of September 1, 2020, and an expiration date of August 31, 2025.

40 CFR CITATIONS

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of May 30, 2014.

RECEIVING WATER – BASIN

The facility discharges into an unnamed intermittent stream in New Mexico Administrative Code (NMAC) Waterbody Segment 20.6.4.98.

DOCUMENT ABBREVIATIONS:

In the document that follows, various abbreviations are used. They are as follows:

BAT	Best available technology economically achievable
BMP	Best management plan
BOD_5	Five-day biochemical oxygen demand
BPJ	Best professional judgment
CD	Critical dilution
CFR	Code of Federal Regulations
Cfs	Cubic feet per second
CIU	Categorical Industrial User's
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FC	Fecal coliform
FWS	United States Fish and Wildlife Service
MGD	Million gallons per day
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMIP	New Mexico NPDES Permit Implementation Procedures
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
POTW	Publicly Owned Treatment Works
RP	Reasonable potential
SIC	Standard industrial classification
SIU	Significant Industrial User's
Su	Standard units
SWQB	Surface Water Quality Bureau
TDS	Total dissolved solids
TMDL	Total maximum daily load
TOC	Total organic carbon
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WWTP	Wastewater treatment plant

I. PROPOSED CHANGES FROM PREVIOUS PERMIT

A change from the permit issued July 30, 2020, with an effective date of September 1, 2020, an expiration date of August 31, 2025, and currently administratively continued under 5 U.S.C. 558(c), includes:

- Revised aluminum (total) effluent limits for Outfalls 015, 016 and 028.

II. APPLICANT ACTIVITY

Under the Standard Industrial Classification (SIC) Code 1221, the applicant operates coal mining. Based on information provided in the application, the facility is engaged in the reclamation of previous western alkaline surface coal mining operation. La Plata Mine (LPM) is a remote, inactive, unstaffed, and fully reclaimed mine site. All reclamation activities were conducted in accordance with 40 CFR Section 434, Subpart H – Western Alkaline Coal Mines, the La Plata Mine Surface Mining Control and Reclamation Act (SMCRA) Permit issued by the New Mexico Mining and Mineral Division (MMD), per the New Mexico Administrative Code (NMAC). The status of the operations at the La Plata Mine have not changed, and no industrial activities take place at LPM and none are proposed. The sole activities taking place at the LPM are on-going monitoring of the completed revegetation and reclamation.

III. DISCHARGE LOCATION

As described in the application, the facility is located 15 miles north of Farmington in San Juan County, New Mexico. Discharges are into unnamed intermittent stream defined in New Mexico Administrative Code (NMAC) 20.6.4.98. Outfall locations and names of receiving stream are listed in Table 1 below:

Table 1: Outfall Locations

Outfalls	Latitude	Longitude
003	36º59’21.563”	108º8’13.257”W
004	36º59’22.001”	108º8’15.863”W
005	36º59’36.597”	108º7’23.443”W
006	36º58’33.398”	108º9’43.997”W
012	36º58’25.620”	108º9’38.902”W
015	36º58’51.649”	108º10’45.338”W
016	36º59’5.556”	108º10’57.047”W
018	36º59’16.475”	108º10’33.078”W
019	36º58’40.658”	108º 9’28.277”W
020	36º58’45.650”	108º 8’47.398”W
021	36º58’59.567”	108º 8’7.206”W
022	36º59’6.159”	108º 7’49.621”W
023	36º59’12.373”	108º 7’50.035”W
026	36º59’35.364”	108º 7’22.572” W
027	36º59’29.701”	108º 7’27.480”W
028	36º59’16.994”	108º 7’48.777”W
029	36º59’14.435”	108º 7’50.956”W
030	36º59’33.990”	108º 8’19.309”W
031	36º59’27.484”	108º 8’17.103”W

032	36º58’59.074”	108º 8’1.737”W
A	36º59’7.384”	108º 10’48.290”W
B	36º58’34.100”	108º 9’51.643”W
C	36º59’14.532”	108º 8’4.797”W
D	36º59’3.538”	108º 8’22.027”W
E	36º59’4.520”	108º 8’6.783”W
F	36º59’22.310”	108º 7’43.208”W
G	36º59’28.220”	108º 7’36.560”W
H	36º59’33.970”	108º 7’28.911”W
I	36º59’11.073”	108º 8’4.290”W
J	36º59’10.711”	108º 8’2.491”W
K	36º59’16.185”	108º 8’7.657”W
M	36º59’44.398”	108º 8’19.134”W
N	36º59’16.193”	108º 7’49.543”W
O	36º59’15.310”	108º 7’50.153”W
P	36º59’13.583”	108º 7’49.825”W

IV. RECEIVING WATER STANDARDS

The general and specific stream standards are provided in "New Mexico State Standards for Interstate and Intrastate Surface Waters," (20.6.4 NMAC approved by EPA on April 10, 2025). The designated uses of intermittent waters under 20.6.4.98 NMAC are livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact.

V. DISCHARGE DESCRIPTION AND OPERATIONS

The entire La Plata Mine is no longer an active mine. The La Plata Mine is 100 percent in reclamation status. The site remains subject to the Sediment Control Plan. The sole activities that currently take place on the mine are on-going monitoring of the completed revegetation and reclamation and research regarding geomorphic reclamation practices. The permittee requested that consistent with 40 CFR §434.82 and the current NPDES Permit, this permit renewal should not require sampling for discharges from reclamation areas as long as the facility’s sediment control plan is in place. The facility stated that the exemption from effluent limitations is essential for the application of geomorphic reclamation practices to improve landform stability and restore the hydrologic balance at the mine and associated watersheds. In geomorphic reclamation, drainages in reclaimed areas are designed to mimic the hydrologic function of naturally occurring drainages in proximate undisturbed areas.

When the reclamation or performance bond under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) has been released, discharges from that area are no longer regulated under the NPDES program. The permittee may request to terminate the corresponding NPDES discharge points to that specific drainage area.

A quantitative description of the discharge(s) described in the EPA Permit Application Form 2C received by EPA on March 4, 2025, are presented below in Table 1:

TABLE 1: OUTFALLS 015, 016, & 028 POLLUTANTS

Parameter	Max Outfall 015	Max, Outfall 016	Avg, Outfall 028
pH, minimum, standard units (s.u.)	7.3	7.6	7.3
pH, maximum, standard units (s.u.)	8.1	7.6	7.7
Total Suspended Solids (TSS)	23,700 mg/L	44,600 mg/L	13787 mg/L
Total Dissolved Solids (TDS)	327 mg/L	213 mg/L	286.5 mg/L
Chloride	3 mg/L	2 mg/L	5 mg/L
Hardness (as $CaCO_3$)	640 mg/L	1230 mg/L	555 mg/L
Flouride	0.7 mg/L	0.5 mg/L	0.6 mg/L
Sulfate	15 mg/L	ND	3 mg/L
Aluminum, Total	173 mg/L	262 mg/L	223 mg/L
Iron, Total	115 mg/L	209 mg/L	182 mg/L
Magnesium, Total	51 mg/L	92 mg/L	58 mg/L
Potassium	48 mg/L	72 mg/L	56 mg/L
Sodium	18 mg/L	21 mg/L	38 mg/L
Calcium	172 mg/L	342 mg/L	127 mg/L
Selenium, Total	0.001 mg/L	---	0.002 mg/L
Mercury, Total	0.102 ug/L	---	0.27 ug/L

A typographical error was found in the previous permit. The incorrect unit of mg/L was used for the total aluminum effluent concentration limits. It was supposed to be in ug/L. Applying the corrected total aluminum effluent concentration limits of 252 ug/L (30-Day Average) and 378 ug/L (Daily Maximum), pollutant data from DMRs, from January 2022 through January 2025, show Outfalls 015, 016 and 028 having discharges, when discharge occurs, exceeded the limits.

VI. PROPOSED PERMIT CONDITIONS

The specific effluent limitations and/or conditions will be found in the proposed permit.

VII. DRAFT PERMIT RATIONALE

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Also set forth are any calculations or other necessary explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under 40 CFR 122.44 and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

A. REASON FOR PERMIT ACTION

The current permit was issued July 30, 2020, with an effective date of September 1, 2020, and an expiration date of August 31, 2025. It is administratively continued under 5 U.S.C. 558(c) until this permit is issued. The permittee submitted a permit renewal application to EPA on March 4, 2025. It is proposed that the current permit be reissued for a 5-year term following regulations promulgated at 40 CFR 122.46(a**).**

B. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Following regulations promulgated at 40 CFR 122.44(l)(2)(ii), the draft permit limits are based on either technology-based effluent limit pursuant to 40 CFR 122.44(a) or on State water quality standards and requirements pursuant to 40 CFR 122.44(d), whichever are more stringent.

C. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. General Comments

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. The 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 which may include BOD, TSS, 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.

2. Permit Requirements

The Western Alkaline Coal Mining Subcategory addresses drainage from coal mining operations from reclamation areas, brushing and grabbing areas, topsoil stockpiling areas, and regraded areas in the arid and semiarid western United States. Because the permittee has ceased surface mining and the above ground areas, previously surface mined have been reclaimed. Effluent guidelines in 40 CFR Part 434, subpart H are incorporated into the proposed permit. In accordance with the provision in 40 CFR 434.82 (BPT) and 434.83 (BAT), the permittee is required to submit a site-specific Sediment Control Plan (SCP) that is designed to prevent an increase in the average annual sediment yield from pre-mined, undisturbed conditions. Because SCP requirements were developed and submitted in the La Plata Mine Surface Mining Control and Reclamation Act (SMCRA) permit issued by the New Mexico Mining & Mineral Division (MMD), on June 24, 2009, and to both the USEPA and NMED concurrently, the permittee is not required to resubmit another copy of SCP, rather the permittee shall keep a copy and continue to comply with the requirements of the SCP for La Plata Mine.

D. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

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. Mine drainages discharge due to precipitation events from reclamation areas to unnamed intermittent streams in Waterbody Segment 20.6.4.98 NMAC and thence to the La Plata River.

3. State Water Quality Standards

The general and specific stream standards are provided in "New Mexico State Standards for Interstate and Intrastate Surface Waters," (20.6.4 NMAC approved on April 10, 2025). The designated uses of intermittent waters under 20.6.4.98 NMAC are livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact.

4. Permit Action - Water Quality-Based Limits

According to the NMIP, the permittee must provide test analyses for: aluminum (dissolved), aluminum (total), antimony (dissolved), arsenic (dissolved), nickel (dissolved), selenium (dissolved), thallium (dissolved), zinc (dissolved), cyanide (total), phenols and 2,3,7,8-TCDD (Dioxin). The submitted NPDES permit renewal application does not include some of those analyses. The EPA does not request these information/data during this permit application review because the discharges are intermittent and possibly caused by storm events. In addition, it is uncertain when the next discharge would happen at all the outfalls in a reasonable amount of time; to address the missing data, the permit will instead require the pollutants be tested at each outfall when discharge occurs. Upon receiving the test results, EPA will re-evaluate them and may propose modification to the permit, if necessary, to protect the State WQS. 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

The State of New Mexico WQS criteria applicable to the marginal warmwater aquatic life designated use require pH to be between 6.6 and 9.0 s.u. This water-based limitation is more protective than the technology-based limits of 6.0 to 9.0 s.u. The pH limits of 6.6 to 9.0 s.u. for Outfall 028 in the previous permit will be continued in the draft permit.

b. Toxics

The permittee requested that the renewed permit not contain either monitoring requirements or effluent limitation for pH, total aluminum, and total selenium. The permittee's NPDES permit renewal application shows aluminum (total), selenium (total), and mercury (total) pollutants are still present in the discharges. There is a reasonable potential to cause or contribute to receiving stream WQS exceedance during the upset storm events. Monitoring data is necessary for determining the facility's compliance status to ensure the WQS of the receiving stream is protected, EPA cannot grant the request of removing the sampling requirement for these pollutants in the draft permit.

The La Plata Mine is 100 percent in reclamation status. There have been no continuous discharges. If discharging occurs, the discharges go into an unnamed intermittent stream in Waterbody Segment 20.6.4.98 NMAC, applicable water quality criteria apply at end-of-pipe since the low flow (4Q3) of the receiving stream is zero (0) cubic feet per second (cfs). The discharge, in this case, must meet aluminum criteria at Outfalls 015, 016 and 028. As mentioned, incorrect units were used for the total aluminum effluent concentration limits in the previous permit. The previous permit total aluminum effluent limits (with correct units) of 252 ug/L (30-Day Average) and 378 ug/L (Daily Maximum) with monitoring frequency of one per month, when discharging, will be continued for Outfalls 015, 016 and 028 in the draft permit.

The previous permit effluent limits for selenium (total) and mercury (total) for Outfall 028 will be continued in the draft permit. The Alternate Effluent Limit (AEL) in the previous permit to account for upset storm conditions will also be continued in the draft permit. The AEL is the minimum rainfall event necessary for alternate effluent limitations to apply. The EPA used the targeted minimum rainfall of 2.60 inches, which was obtained from the NOAA's National Weather Service precipitation frequency of 100-year, 24-hour storm event estimates for the area. For instance, the total mercury and total selenium limits will not apply to any discharge or increase in discharge volume caused by a precipitation event within any 24-hour period having rainfall more than 2.60 inches. However, BMP inspection and maintenance which replace the standard limit will be required during those conditions.

(e) Monitoring Frequencies for Limited Parameters

The monitoring frequency for pH, dissolved hardness, aluminum (total), selenium (total), and mercury (total) shall be 1/month, when discharging. Flow shall also be estimated once per month, when discharging.

5. Whole Effluent Toxicity (WET) Testing

The draft permit does not propose WET testings because discharges from a coal mine classified as “reclamation area” operations are not required to conduct WET testings in accordance with the NMIP (NMIP Part V.F, Table 12, footnote 7).

VIII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of the State 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 Water Quality Standards are either revised or promulgated by the State. This permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standards in accordance with 40 CFR 122.44(d). Modification of the permit is subject to the provisions of 40 CFR 124.5.

IX. IMPAIRED WATER- 303(D) LIST

The site discharges into an unnamed intermittent stream in Waterbody Segment 20.6.4.98 NMAC which is not listed in the EPA approved State 2024-2026 303(d) impaired water list. Therefore, no additional requirements to what has been addressed in Section VII above are proposed. The facility is also required to continue to implement a sediment control plan to reduce discharge of sediment.

X. ANTIDEGRADATION

The New Mexico 20.6.4.8 NMAC "Antidegradation Policy and Implementation Plan" sets forth the requirements to protect designated uses through implementation of the State water quality standards. 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 are protective of the assimilative capacity of the receiving waters and are protective of the designated uses of that water.

XI. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act, Section 402(o) and 40CFR122.44(l)(2)(i)(B), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless information is available which was not available at the time of permit issuance.

XII. ENDANGERED SPECIES

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 (T) and endangered (E) species and designated critical habitat. According to the most recent county listing of species for the State of New Mexico, the following species may be present in the San Juan County where the proposed NPDES discharge occurs include Southwestern willow flycatcher (*Empidonax traillii extimus*) (E), Colorado pikeminnow (*Ptychocheilus lucius*) (E), Razorback sucker (*Xyrauchen texanus*)

(E), Knowlton cactus (*Pediocactus knowltoni*) (E), Mancos milk-vetch (*Astragalus humillimus*) (E), Mesa Verde cactus (*Sclerocactus mesae-verdae*) (T), Zuni Bluehead Sucker (*Catostomus discobolus yarrowi*) (E), Yellow-Billed Cuckoo (*Coccyzus americanus*) (T), Mexican wolf (*Canis lupus baileyi*) (E), New Mexico meadow jumping mouse, (*Zapus hudsonius luteus*) (E), Silverspot (*Speyeria nokomis nokomis*)(T), and Mancos milk-vetch (*Astragalus humillimus*) (E) (https://ecos.fws.gov/ecp/report/species-listings-by-current-range-county?fips=35045)

In 2020, EPA determined that the reissuance of this permit (No. NM0029505) will have "no effect" on listed threatened and endangered species nor will adversely modify designated critical habitat. The Mexican wolf (*Canis lupus baileyi*) (E), New Mexico meadow jumping mouse, (*Zapus hudsonius luteus*) (E), Silverspot (*Speyeria nokomis nokomis*)(T), Mancos milk-vetch (*Astragalus humillimus*) (E) were not among the species considered during the last permit issuance.

Mexican wolf (*Canis lupus baileyi*) - Mexican wolf is a top predator native to the southwestern United States and Mexico that lives in packs and requires large amounts of forested terrain with adequate ungulate (deer and elk) populations to support the pack. Today, Mexican wolves again inhabit portions of the southwestern United States in Arizona and New Mexico, and the northern Sierra Madre Occidental of Chihuahua in Mexico. Mexican wolves are present in these areas due to ongoing reintroduction efforts in both countries, supported by the binational captive breeding program. The threats to the Mexican wolf have generally remained consistent over time, including human- caused mortality and related legal protections, extinction risk due to small population size, and genetic issues. The draft permit does not authorize activities that may cause destruction of the Mexican wolf habitat, and reissuance of the permit will have no effect on this species.

New Mexico meadow jumping mouse, (*Zapus hudsonius luteus*) - New Mexico meadow jumping mouse is a small, nocturnal, solitary mammal and an obligate riparian subspecies. Its historical distribution likely included riparian wetlands along streams in the Sangre de Cristo and San Juan Mountains from southern Colorado to central New Mexico, including the Jemez and Sacramento Mountains and the Rio Grande Valley from Española to Bosque del Apache National Wildlife Refuge, and into parts of the White Mountains in eastern Arizona. Ongoing and future habitat loss is expected to result in additional extirpations of more populations. Research indicates that the primary sources of past and future habitat losses are from grazing pressure (which removes the needed vegetation) and water management and use (which causes vegetation loss from mowing and drying of soils), lack of water due to drought (exacerbated by climate change), and wildfires (also exacerbated by climate change). Additional sources of habitat loss are likely to occur from scouring floods, loss of beaver ponds, highway reconstruction, coal-bed methane development, and unregulated recreation. The permit does not authorize activities that may cause destruction of the New Mexico Meadow Jumping Mouse habitat, and reissuance of the permit will have no effect on this species.

Silverspot (*Speyeria nokomis nokomis*)- Silverspot is a relatively large butterfly with up to a 3-inch wingspan. Males typically have bright orange on the upper side of the wing, while females typically have cream or light yellow with brown or black. The underside of the wing of both sexes has silvery-white spots, giving the subspecies' the common name of Silverspot butterfly. Populations of Silverspot occur between 5,200 feet (1,585 meters) and 8,300 feet (2,530 meters). The butterfly requires moist habitats in mostly open meadows with a variety of herbaceous and

woody vegetation. Eggs are laid on or near the bog violet (Viola nephrophylla/V. sororia var. affinis), which the larvae feed on exclusively. A variety of flowering plants provide adult nectar sources. The butterfly completes its entire life cycle in one year. Habitat loss and fragmentation, human-caused hydrologic alteration (i.e., diversions for agricultural and domestic use; erosion and stream channel incision caused by livestock grazing, mining, roads, or dredging and filling of wetlands; removal of beaver dams; manipulation of waterways that minimizes flooding and reduces natural meander features; and creation and operation of large human-made dams), livestock grazing, genetic isolation, exotic plant invasion, climate change, climate events, larval desiccation, and collecting are all factors that influence or could influence the subspecies' viability. The draft permit does not authorize activities that may cause destruction of the silverspot habitat, and reissuance of the permit will have no effect on this species.

Mancos milk-vetch (*Astragalus humillimus*) - Mancos milkvetch is a member of the genus Astracalus that is known to contain many rare and often highly endemic species. Mancos milk-vetch Is threatened by modification of its habitat due to oil, gas, mineral, and energy development, due to general mineral exploration in the San Juan basin, and by loss of plants due to collecting. The draft permit does not authorize activities that may cause destruction of the Mancos milk-vetch habitat, and issuance of the permit will have no effect on this species.

The proposed permit does not authorize constructions and land development, nor will cause release of toxic pesticides or spread of disease. Based on the information available to EPA, that the reissuance of this permit will have no effect on these federally listed threatened or endangered species.

XIII. VARIANCE REQUESTS

No variance requests have been received.

XIV. 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.

XV. FINAL DETERMINATION

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

XVI. ADMINISTRATIVE RECORD

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by 40 CFR 124.9:

A. PERMIT(S)

The NPDES Permit No. NM0029505 was issued July 30, 2020, with an effective date of

September 1, 2020, and an expiration date of August 31, 2025.

B. APPLICATION(S)

EPA Application Form 1 and Form 2C and support documents were received by EPA on March 4, 2025.

C. STATE WATER QUALITY REFERENCES

The general and specific stream standards are provided in "New Mexico State Standards for Interstate and Intrastate Surface Waters," (20.6.4 NMAC approved on April 10, 2025).

Procedures for Implementing National Pollutant Discharge Elimination System Permits in New Mexico, March 15, 2012.

State of New Mexico 303(d) List for Assessed Stream and River Reaches, 2024 - 2026.

D. 40 CFR CITATION(S) - 40 CFR Part 434 for Coal Mining Point Source Category.

E. MISCELLANEOUS REFERENCES

Scott, J.A. and S.O. Mattoon. 1981. Early stages of Speyeria nokomis (Nymphalidae). Journal of Research on the Lepidoptera 20:12-15. Available at: https://biodiversitylibrary.org/page/53386463. (Accessed: February 5, 2020).

Mattoon, S.O., R.D. Davis, and O.D. Spencer. 1971. Rearing techniques for species of Speyeria (Nymphalidae). Journal of the Lepidopterists' Society 25:247-255.