

NPDES PERMIT NO. NM0030996

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: Peabody Natural Resources Company
El Segundo Mine
P.O. Box 757
Grants, NM 87020

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

PREPARED BY: Tung Nguyen
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PERMIT ACTION: Final permit decision and response to comments received on the draft reissued NPDES permit publicly noticed on July 26, 2025.

DATE PREPARED: September 9, 2025

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of July 1st, 2024.

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
cfu	Colony forming unit
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
ug/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
SQL	Minimum quantification level
O&G	Oil and grease
POTW	Publicly owned treatment works
RP	Reasonable potential
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
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan

CHANGES FROM DRAFT PERMIT

There are changes from the draft NPDES permit publicly noticed on July 26, 2025:

- Some parameters stated in Part I.A.7 have been removed.

CONDITION RECEIVED ON THE DRAFT PERMIT

None.

COMMENTS RECEIVED ON THE DRAFT PERMIT

Letter from Shelly Lemon, New Mexico Environment Department (NMED) to Troy Hill, EPA dated September 9, 2025.

Letter from Chad Gaines, El Segundo Mine (permittee) to Tung Nguyen, EPA dated August 22, 2025.

RESPONSE TO COMMENTS

Comment (NMED): None

Comment (permittee): The following parameters, stated in Part I.A.7 of the draft permit, are not applicable to the receiving streams' designated uses (livestock watering, wildlife habitat and limited aquatic life, acute and persistent human health – organism only). Therefore, the permittee respectfully requests that they are removed from this part:

Chloride, Bis(chloromethyl) ether, Demeton, Hexachlorocyclohexane (HCH)-Technical, Mirex, Nitrosodibutylamine, Nitrosodiethylamine, Nonylphenol, Pentachlorobenzene, Strontium 90, Tributyltin (TBT), 2,4,5-Trichlorophenol, N-Nitrosopyrrolidine, 1,2,4,5-Tetrachlorobenzene, 2-(2,4,5 Trichlorophenoxy) propionic acid (Silvex).

Response: There are acute aquatic life criteria applicable to Chloride (860,000 ug/L), Nonylphenol (28 ug/L) and Tributyltin (TBT) (0.46 ug/L) regarding the limited aquatic life use pursuant to 20.6.4.900.H.(7) NMAC. EPA has found the rest of the requested parameters are not applicable based on the receiving streams' designated uses. EPA removes those parameters that are found not applicable in Part I.A.7 of the final permit.

EPA Comment: EPA received no comment regarding the proposed Finding of No Significant Impact (FONSI) during the public comment period. Therefore, the proposed FONSI becomes final.