NPDES PERMIT NO. NM0028011
FACT SHEET

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

APPLICANT

Village of Jemez Springs
P. O. Box 269
Jemez Springs, NM 87025

ISSUING OFFICE

U.S. Environmental Protection Agency
Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

PREPARED BY

Aron K. Korir
Physical Scientist
NPDES Permits Branch (6WD-PE)
Water Division
Phone: 214-665-6522
FAX: 214-665-2191
Email: Korir.aron@epa.gov

DATE PREPARED

June 10, 2025

PERMIT ACTION

Proposed reissuance of the current NPDES permit issued April 29, 2021, with an effective date of June 1, 2021, and an expiration date of May 31, 2026.

RECEIVING WATER – BASIN

Jemez River – Rio Grande Basin

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
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 (one part per million)
ug/l	Micrograms per litter (one part per billion)
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
POTW	Publically owned treatment works
RP	Reasonable potential
SIC	Standard industrial classification
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
WWTP	Wastewater treatment plant

I. PROPOSED CHANGES FROM THE PREVIOUS PERMIT

Changes from the permit previously issued April 29, 2021, with an effective date of June 01, 2021, and an expiration date of May 31, 2026.

- Aluminum monitoring and limitation requirement has been removed based on the updated TMDL.
- WET dilution series has been updated based on new critical flow conditions.
- Total Recoverable Aluminum and Boron Sanitary Sewer Study have been removed from the schedule of compliance requirement.
- TRC has changed from 19 ug/l to 11ug/l based on the new NMWQS designated use numeric criteria.
- PFAS analytes schedule of compliance has been incorporated on PART I.B. of the permit.

II. APPLICANT ACTIVITY

Under the Standard Industrial Classification Code 4952, the applicant operates a POTW with a design flow capacity of 0.075 MGD serving 198 people.

The Village of Jemez Springs is a sequencing batch reactor system which works in steps to biologically degrade the influent. The reaction basin operates sequentially as an aeration basin, sedimentation basin and decantation basin. There are four basins available at this facility for treatment. However, because of the design capacity, only two basins are currently being used. The bottom of the basin has a series of fine bubble diffusers to distribute air throughout the basin during the aeration phase of the cycle.

Wastewater flows by gravity to a wet well and lift station at the head of the WWTP. The influent lift station consists of two submersible pumps that lift wastewater to the treatment works. There is no solids removal at the headworks. The decanted liquid is sent through the Ultraviolet (UV) light disinfection chamber, the ultrasonic effluent flow meter, the final effluent weir box thence to the Jemez River. The solids are sent to the second chamber for thickening. The Village contracts a vacuum truck to draw off the solids from the treatment units and to haul them to the Albuquerque Reclamation facility in Albuquerque, NM. The current influent flow to the WWTP is low enough so that the fourth chamber is not in use at this time.

III. DISCHARGE LOCATION

As described in the application, the facility is located at 14609 Highway 4, Jemez Springs New Mexico, 87025, approximately 2 miles south of the Village of Jemez Springs, Sandoval County, New Mexico. The discharge from the POTW is to the Jemez River thence to the Rio Grande in Waterbody Segment No. 20.6.4.107 of the Rio Grande Basin. The discharge is located at Latitude 35° 43' 36" North, Longitude 106° 42' 48" West.

IV. RECEIVING WATER USES

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC and approved by EPA for Clean Water Act Purposes on April 10, 2025). The facility discharges into the Jemez River which flows through Jemez Pueblo, Zia Pueblo and Santa Ana Pueblos in segment number 20.6.4.107 NMAC of the Rio Grande Basin. The designated uses of the Jemez River are wildlife habitat, livestock watering, coldwater aquatic life, irrigation and primary contact and public water supply on vallecito creek.

V. DISCHARGE DESCRIPTION AND OPERATIONS

A quantitative description of the discharge(s) described in the EPA Permit Application Form 2A received May 9, 2025, are presented below:

Table 1: Discharge characteristics

Parameter	Max.	Avg.
	(mg/l unless noted)	
Flow, million gallons/day (MGD)	0.075	0.02112
pH, minimum, standard units (su)	6.91 s.u.	N/A
pH, maximum, standard units (su)	7.36 s.u.	N/A
Biochemical Oxygen Demand, (BOD_5)	35	11.6
Total Suspended Solids (TSS)	6	2
Fecal Coliform	111.2	62.1

A summary of the last 3 years of pollutant data taken from DMRs from August 2020 to April 2025 indicates reported violations for Arsenic, Boron, Nitrogen and Phosphorous.

VI. DRAFT PERMIT RATIONALE & PROPOSED PERMIT CONDITIONS

A. OVERVIEW OF TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations contained in 40 CFR §122.44 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, total phosphorus and nitrogen. Permit limits are developed that meet the more stringent of either technology-based effluent.

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. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ procedures. 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 including BOD, TSS, fecal coliform, 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.

The facility is a POTW treating sanitary wastewater. POTW's have 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 pH. BOD limits of 30 mg/l for the 30-day average and 45 mg/l for the 7-day average are found at 40 CFR §133.102(a). TSS limits; also 30 mg/l for the 30-day average and 45 mg/l for the 7-day average, are found at 40 CFR §133.102(b). ELG's 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/TSS loading = 30 mg/l * 8.345 lbs/gal * 0.075 MGD
30-day average BOD/TSS loading = 18.8 lbs/day

The permit that was issued April 29, 2021, and expires May 31, 2026, established mass limitations of 11.3 lbs, 30-day average, for both BOD and TSS. Those limits were based on an earlier and lower design flow rate. During the August 2004 permit issuance, the facility had just put into operation the SBR facility now in use that increased the design flow to 0.075 MGD. In response to antidegradation concerns, the Village and NMED agreed that it did not need loading limits at the newer and higher design flow and agreed to retain the lower mass limits. The previous two permits issued July 28, 2010, January 14, 2016, and April 29, 2021, continued those loading limits. This draft permit will also continue the mass loading limits from the previous three permits after consulting with NMED. The following loading limits reflect the flow rate 0.045 MGD based on the earlier design flow.

30-day average BOD/TSS loading = 30 mg/l * 8.345 lbs/gal * 0.045 MGD = 11.3 lbs/day
7-day average BOD/TSS loading = 45 mg/l * 8.345 lbs/gal * 0.045 MGD = 16.9 lbs/day

A summary of the technology-based limits for the facility is:

Parameter	30-day Avg (lbs./day, unless noted)	7-day Max. (lbs./day, unless noted)	30-day Avg. (mg/L, unless noted)	7-day Max. (mg/L, unless noted)
BOD_5	11.3	16.9	30	45
BOD_5, % removal[1]	≥ 85	---	---	---
TSS	11.3	16.9	30	45
TSS, % removal[1]	≥ 85	---	---	---
pH	N/A	N/A	6.6 to 8.8 s.u.	6.6 to 8.8 s.u.

[1] % removal is calculated using the following equation: [(average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration] * 100.

C. WATER QUALITY BASED LIMITATIONS

1. General Comments

Water quality-based requirements are necessary where effluent limits are 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. Jemez, Zia, and Santa Ana Pueblos are located approximately 9,18 and 30 miles respectfully downstream of the outfall. However, Jemez and Zia Pueblos do not have approved WQS, NMED WQS are expected to be protective of the water quality in these Pueblos.

3. State Water Quality Standards

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC, effective April 10, 2025). The facility discharges into the Jemez River in segment number 20.6.4.107 of the Rio Grande Basin. The designated uses of the Jemez River are coldwater aquatic life, primary contact, irrigation, livestock watering and wildlife habitat; and public water supply on Vallecito creek.

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. BACTERIA

Stream segment specific (20.6.4.107 NMAC) WQS for E. coli bacteria is 126 cfu/100 ml daily monthly geometric mean and 410 cfu/100 ml daily maximum. These limits are identical to the previous permit and are continued in the draft permit.

b. pH

Stream segment specific (20.6.4.107 NMAC) WQS for pH, 6.6 to 8.8 standard units. These limits are identical to the previous permit.

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 a water quality criterion, the permit must contain an effluent limit for that pollutant.

All applicable facilities are required to fill out appropriate sections of the Form 2A and 2S, 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 and does not need to fill out the expanded pollutant testing section Part D of Form 2A. There are no toxics that need to be placed in the draft permit except for those presented below.

ii. TRC

The facility uses UV to control bacteria. The previous permit maintained a 19 ug/l TRC limit when chlorine is used as a treatment chemical for process equipment sanitization and/or filamentous algae control. The new WQS has a numerical standard of 11 ug/l for wild habitat designated use and this limit has been incorporated in the new permit.

5. TMDL Requirements

EPA approved on May 17, 2024, NMED TMDL for phosphorus, nitrogen, arsenic, boron and temperature. For the portion of the Jemez River between the Rio Guadalupe and Soda Dam, the TMDL established WLAs for Arsenic, Boron, Plant Nutrients (Total phosphorus, and total nitrogen. These pollutants are proposed in the draft permit based on the TMDL.

WLAs for total phosphorus (TP), total nitrogen (TN), Arsenic, and Boron for the protection of narrative designated uses. The TMDL established TP WLA's of 0.626 lbs/day, 1.0 mg/l, TN WLA of 2.97 lbs/day, 4.75 mg/l, Arsenic WLA's of 0.094 lbs/day, 150ug/L and Boron WLA of 1.34 lbs/day, 2,150 ug/L. The draft permit will propose these limits as daily maximums.

The Jemez Spring WWTP NPDES previous permits do not have limitations or monitoring requirements for temperature. WWTP effluent has never been noted to be a significant source contributor of temperature impairment. Therefore, the WLA is zero. No final effluent limitation for temperature will be proposed in this draft permit.

D. PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) MONITORING

At this time, EPA has no data indicating that PFAS is present in Jemez Springs WWTP effluent. As explained at https://www.epa.gov/pfas, PFAS are a group of synthetic chemicals that have been in use since the 1940s. PFAS are found in a wide array of consumer and industrial products. PFAS manufacturing and processing facilities, facilities using PFAS in production of other products, airports, and military installations can be contributors of PFAS releases into the air, soil, and water. Due to their widespread use and persistence in the environment, most people in the United States have been exposed to PFAS. Exposure to some PFAS above certain levels may increase risk of adverse health effects.[1] EPA is collecting information to evaluate the potential impacts that discharges of PFAS from wastewater treatment plants may have on downstream drinking water, recreational and aquatic life uses.

Although the New Mexico Water Quality Standards do not include numeric criteria for PFAS, the 2022 New Mexico Water Quality Standards narrative criterion supply guidance including: 20.6.4.7(E)(2) NMAC states: "**Emerging contaminants"** refer to water contaminants that may cause significant ecological or human health effects at low concentrations. Emerging contaminants are generally chemical compounds recognized as having deleterious effects on environmental concentrations whose negative impacts have not been fully quantified and may not have regulatory numeric criteria.

20.6.4.7(T)(2) NMAC states: **"Toxic pollutant"** means those pollutants, or combination of pollutants, including disease-causing agents, that after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, shortened life spans, disease, adverse behavioral changes, reproductive or physiological impairment or physical deformations in such organisms or their offspring.

Since PFAS chemicals are persistent in the environment and may lead to adverse human health and environmental effects, the draft permit requires that the facilities conduct influent, effluent, and biosolids sampling for PFAS according to the frequency outlined in the permit.
The purpose of this monitoring and reporting requirement is to better understand potential discharges of PFAS from this facility and to inform future permitting decisions, including the potential development of water quality-based effluent limits on a facility-specific basis. EPA is authorized to require this monitoring and reporting by CWA § 308(a), which states:

"SEC. 308. (a) Whenever required to carry out the objective of this Act, including but not limited to (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under this Act; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance; (3) any requirement established under this section; or (4) carrying out sections 305, 311, 402, 404 (relating to State permit programs), 405, and 504 of this Act—

A. *the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (v) provide such other information as he may reasonably require;".*

EPA notes that there is currently no analytical method approved in 40 CFR Part 136 for PFAS. As stated in 40 CFR § 122.44(i)(1)(iv)(B), in the case of pollutants or pollutant parameters for which there are no approved methods under 40 CFR Part 136 or methods are not otherwise required under 40 CFR chapter I, subchapter N or O, monitoring shall be conducted according to a test procedure specified in the permit for such pollutants or pollutant parameters. Therefore, the draft permit specifies that until there is an analytical method approved in 40 CFR Part 136 for PFAS, monitoring shall be conducted using Method 1633. The Adsorbable Organic Fluorine CWA wastewater method 1621 can be used in conjunction with Method 1633, if appropriate.

R6 Recommended PFAS Monitoring Frequencies Based on Facility	
Facility Type	Frequency
Minor (<0.1 MGD)	Once/Term
Minor (0.1 <1.0 MGD)	Three/Term
Major (if not in an applicable category)	Once/6 Months
Major (is IS in an applicable Category)	Quarterly
Major (With required pretreatment OR discharge is ≥ 5 MGD	Quarterly

E. 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). Sample frequency is based on the NMIP. Technology based pollutants; BOD and TSS are proposed to be monitored once per month. Flow is proposed to be monitored continuously by totalizing meter. These frequencies are the same as the current permit. Sample type for BOD and TSS are grab which is consistent with the previous permit.
Water quality-based pollutant monitoring frequency for E. coli shall be once per month by grab sample, Phosphorus and nitrogen shall be sampled twice per month using grab samples. Arsenic and boron monitoring shall be once per month using grab samples. The pollutant pH shall be monitored 5/week, using instantaneous grab samples. When chlorine is used to disinfect treatment equipment and/or treat filamentous algae, TRC shall be sampled daily using instantaneous grab samples which is consistent with the previous permit. Regulations at 40 CFR §136 define instantaneous grab as being analyzed within 15-minutes of collection.

E. WHOLE EFFLUENT TOXICITY LIMITATIONS

Procedures for implementing WET terms and conditions in NPDES permits are contained in the NMIP, March 2012. Based on the work in the TMDL, the 4Q3 for the Jemez River is 3.16 cfs (2.042 MGD). The CD of the discharge is determined from the following:

$$CD = Qe/ (Qe + Qa)$$

Where:

Qe = effluent flow - 0.075 MGD
Qa = 4Q3 – 1.804 MGD

$$CD = 0.075/(0.075 + 1.804)$$
$$CD = 0.04 \text{ or } 4\%$$

Table 11 of Section V of the NMIP outlines the type of WET testing for different types of discharges. Discharges into perennial streams normally require chronic WET tests. If it is determined that a facility is to receive chronic biomonitoring requirements at a CD ≤ 10%, then an acute-to-chronic ratio of 10:1 may be used to allow acute biomonitoring in lieu of chronic.

This will result in a higher critical dilution by decreasing the ratio between the amounts of effluent and receiving water used as well as a reduction in the cost per biomonitoring test for the permittee. Using the acute-to-chronic ratio of 10:1, the CD for an acute test is 40%. The effluent concentrations using a 75% dilution series are 17%, 23%, 30%, 40%, and 53%. The test species shall be *Daphnia pulex* and *Pimephales promelas*. Testing shall be performed during the first year after the permit effective date and samples shall be taken during the period November 1 and April 30.

WHOLE EFFLUENT TOXICITY TESTING (48-Hr Acute Static Renewal/ NOEC) *	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Daphnia pulex	Report	Once/ Permit Term	24-Hr Composite
Pimephales promelas	Report	Once/Permit Term	24-Hr Composite

*Monitoring and reporting requirements begin on the effective date of this permit. See Part II of the permit for WET testing requirements and additional WET monitoring and reporting conditions. Grab samples are allowed per method, if needed.

VII. FACILITY OPERATIONAL PRACTICES

A. SEWAGE SLUDGE

The permittee shall use only those sewage sludge disposal or reuse practices that comply with the federal regulations established in 40 CFR Part 503 "Standards for the Use or Disposal of Sewage Sludge". EPA may later issue a sludge-only permit. Until such future issuance of a sludge-only permit, sludge management and disposal at the facility will be subject to Part 503 sewage sludge requirements. Part 503 regulations are self-implementing, which means that facilities must comply with them whether or not a sludge-only permit has been issued. Part IV of the draft permit contains sewage sludge permit requirements.

B. WASTEWATER POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute programs directed towards pollution prevention. The permittee will institute programs to improve operating efficiency and extend the useful life of the treatment system.

C. INDUSTRIAL WASTEWATER CONTRIBUTIONS

The treatment plant has no non-categorical Significant Industrial User's (SIU) and no Categorical Industrial User's (CIU). The EPA has tentatively determined that the permittee will not be required to develop a full pretreatment program. However, general pretreatment provisions have been required. The facility is required to report to EPA, in terms of character and volume of pollutants any significant indirect dischargers into the POTW subject to pretreatment standards under §307(b) of the CWA and 40 CFR Part 403.

D. OPERATION AND REPORTING

The applicant is required to operate the treatment facility at maximum efficiency at all times; to monitor the facility's discharge on a regular basis; and report the results quarterly. The monitoring results will be available to the public.

VIII. IMPAIRED WATER - 303(D) LIST

The Jemez River between the Rio Guadalupe and Soda Dam was found to have impairments for arsenic, boron, temperature and plant nutrients (total nitrogen and phosphorous). Nutrients, arsenic and boron have been previously discussed above in Part VI. C. 5. Temperature was not given a WLA since heat is not a pollutant from POTWs and the temperature is likely caused by natural thermal springs in the receiving water. No additional pollutants are listed for this waterbody. The standard reopener language in the permit allows additional permit conditions if warranted by future changes.

IX. 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. 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.

X. 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 mass loading requirements of the previous permit for BOD and TSS and the concentration limits for E. coli bacteria, pH and TRC. Limits for TP and TN have been retained.

XI. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at USFWS, Southwest Region 2 website, https://www.fws.gov/species/search?state=%5B%22New%20Mexico%22%5D&county=%5B%22Sandoval,%20NM%22%5D. Ten species in Sandoval County are listed as endangered or threatened. Jemez Mountains salamander (*Plethodon neomexicanus*), Yellow-billed Cuckoo (*Coccyzus americanus*) , Rio Grande silvery minnow (*Hybognathus amarus*), Monarch (*Danaus plexippus*), the Southwestern willow flycatcher (*Empidonax traillii extimus*), Mexican Wolf (*Canis lupus baileyi*), Rio Grande Cutthroat Trout (*Oncorhynchus clarkii virginalis*) , New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) and the Mexican spotted owl (*Strix occidentalis lucida*).

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 and endangered species and designated critical habitat. After review, EPA has determined that the 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. No additions have been made to the USFWS list of threatened and endangered species and critical habitat designation in the area of the discharge since prior issuance of the permit.

2. EPA has received no additional information since the previous permit issuance which would lead to revision of its determinations.

3. 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.

XII. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit should have no impact on historical and/or archeological sites since no construction activities are planned in the reissuance.

XIII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if State Water Quality Standards are promulgated or revised. In addition, if the State amends a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that TMDL. 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 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.

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 2A received May 12, 2025, and was deemed complete on June 9, 2025.

B. 40 CFR CITATIONS

Sections 122, 124, 125, 133, 136

C. STATE OF NEW MEXICO REFERENCES

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC; WQCC effective June 13, 2024; EPA approved on July 8, 2024.
Procedures for Implementing National Pollutant Discharge Elimination System Permits in New Mexico, March 2012.

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