

NPDES PERMIT NO. NM0000116 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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ISSUING OFFICE

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DATE PREPARED

May 18, 2026

PERMIT ACTION

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

RECEIVING WATER – BASIN

Corral Canyon, thence to Tijeras Canyon, thence to Rio Grande– Rio Grande Basin

## LIST OF DOCUMENT ABBREVIATIONS

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

|                        |                                                                            |
|------------------------|----------------------------------------------------------------------------|
| <b>4Q3</b>             | Lowest four-day average flow rate expected to occur once every three-years |
| <b>BAT</b>             | Best available technology economically achievable                          |
| <b>BCT</b>             | Best conventional pollutant control technology                             |
| <b>BPT</b>             | Best practicable control technology currently available                    |
| <b>BMP</b>             | Best management plan                                                       |
| <b>BOD<sub>5</sub></b> | Biochemical oxygen demand (five-day unless noted otherwise)                |
| <b>BPJ</b>             | Best professional judgment                                                 |
| <b>CBOD</b>            | Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)   |
| <b>CD</b>              | Critical dilution                                                          |
| <b>CFR</b>             | Code of Federal Regulations                                                |
| <b>cfs</b>             | Cubic feet per second                                                      |
| <b>COD</b>             | Chemical oxygen demand                                                     |
| <b>COE</b>             | United States Corp of Engineers                                            |
| <b>CWA</b>             | Clean Water Act                                                            |
| <b>DMR</b>             | Discharge monitoring report                                                |
| <b>ELG</b>             | Effluent limitation guidelines                                             |
| <b>EPA</b>             | United States Environmental Protection Agency                              |
| <b>ESA</b>             | Endangered Species Act                                                     |
| <b>FCB</b>             | Fecal coliform bacteria                                                    |
| <b>FWS</b>             | United States Fish and Wildlife Service                                    |
| <b>mg/L</b>            | Milligrams per liter                                                       |
| <b>ug/L</b>            | Micrograms per liter                                                       |
| <b>lbs</b>             | Pounds                                                                     |
| <b>MGD</b>             | Million gallons per day                                                    |
| <b>NMAC</b>            | New Mexico Administrative Code                                             |
| <b>NMED</b>            | New Mexico Environment Department                                          |
| <b>NMIP</b>            | New Mexico NPDES Permit Implementation Procedures                          |
| <b>NMWQS</b>           | New Mexico State Standards for Interstate and Intrastate Surface Waters    |
| <b>NPDES</b>           | National Pollutant Discharge Elimination System                            |
| <b>MQL</b>             | Minimum quantification level                                               |
| <b>O&amp;G</b>         | Oil and grease                                                             |
| <b>PFAS</b>            | Per- and polyfluoroalkyl substances                                        |
| <b>POTW</b>            | Publicly owned treatment works                                             |
| <b>RP</b>              | Reasonable potential                                                       |
| <b>SS</b>              | Settleable solids                                                          |
| <b>SIC</b>             | Standard industrial classification                                         |
| <b>s.u.</b>            | Standard units (for parameter pH)                                          |
| <b>SWQB</b>            | Surface Water Quality Bureau                                               |
| <b>TDS</b>             | Total dissolved solids                                                     |
| <b>TMDL</b>            | Total maximum daily load                                                   |
| <b>TRC</b>             | Total residual chlorine                                                    |
| <b>TRE</b>             | Toxicity Reduction Evaluation                                              |
| <b>TSS</b>             | Total suspended solids                                                     |
| <b>UAA</b>             | Use attainability analysis                                                 |
| <b>USGS</b>            | United States Geological Service                                           |
| <b>WLA</b>             | Waste load allocation                                                      |
| <b>WET</b>             | Whole effluent toxicity                                                    |
| <b>WQCC</b>            | New Mexico Water Quality Control Commission                                |
| <b>WQMP</b>            | Water Quality Management Plan                                              |
| <b>WWTP</b>            | Wastewater treatment plant                                                 |

In this document, references to State WQS and/or rules shall collectively mean the state of New Mexico.

## I. CHANGES FROM THE PREVIOUS PERMIT

Changes from the permit previously issued April 8, 2016, with an effective date of June 1, 2021, and an expiration date of May 31, 2026, are:

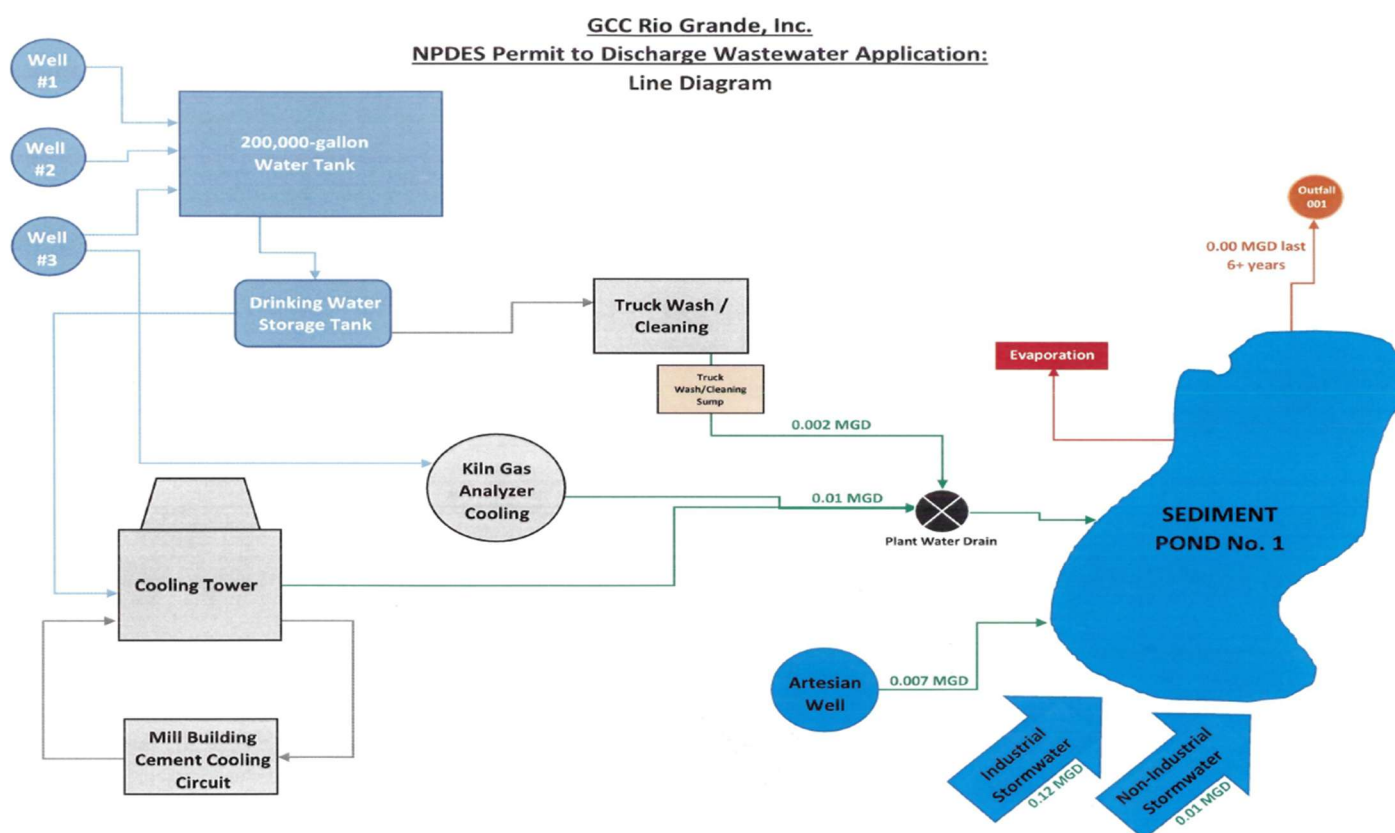
A. Selenium, Thallium, Benzo (a) anthracene and Oil & Grease monitoring and reporting requirements have been added.

B. Reference to segment number 20.6.4.105 in previous permit has been revised. The facility first discharges into Corral Canyon an intermittent stream in segment number 20.6.4.98 (Cedro Canyon-Tijeras Arroyo to headwaters), thence into Tijeras Canyon a perennial stream in segment number 20.6.4.99 (Tijeras Arroyo-Four Hills Bridge to headwaters) of the Rio Grande Basin. Assessment Units for receiving waters are NM\_98.A\_018 and NM\_900.A\_001, respectively.

## II. LOCATION and TREATMENT PROCESS

The manufacturing plant is located at 11783 State Highway 337 South, Tijeras, Bernalillo County, NM, about 10 miles east of Albuquerque. Under Standard Industrial Classification (SIC) Code(s) 3241, the applicant currently manufactures Portland cement. The production processes include the procurement of raw materials (limestone) extracted from an adjacent quarry, raw milling, kiln operation, clinker cooling/storage, product finishing, product storage, and load out.

The line diagram shows the flow of wastewater from various operations to sediment pond No. 1. Operations contributing to the flow are non-industrial stormwater (stormwater from the quarry), industrial stormwater (stormwater around the plant), once-through cooling water, cleaning water (truck wash), and artesian well water. The annual average from all operations is 0.149 MGD. The outfall 001 is located at the pond at latitude 35° 04' 25" and longitude 106° 23' 51".



### III. EFFLUENT CHARACTERISTICS

The Southwestern U.S., including New Mexico, remains in an extended drought. The most recent sampling event occurred in 2025, with one in September and two in October. Before those events, four discharge events were sampled in August 2022. All seven of these discharge events were sampled for parameters to meet the current NPDES permit monitoring requirements. Except for the September 29, 2025, discharge due to a discharge event that occurred during flash flood warning conditions. As stated previously, there have been seven discharge events sampled from Outfall 001. The data from these three 2025 discharge events have been included in the following table:

| Parameter                                      | Maximum             | Average | Reporting Limit (mg/L) | MQL (ug/L) |
|------------------------------------------------|---------------------|---------|------------------------|------------|
|                                                | (mg/L unless noted) |         |                        |            |
| Flow (MGD)                                     | 0.6                 | NA      | NA                     | NA         |
| TSS ( geometric mean)                          | 32.8626             | NA      | NA                     | NA         |
| Aluminum, total (geometric mean)               | 1.1099              | NA      | 0.02                   | 2.5        |
| Cadmium, dissolved                             | ND                  | NA      | 0.002 *                | 1.0        |
| Copper, total (geometric mean)                 | 0.008476            | NA      | 0.001                  | 0.5        |
| Copper, dissolved (geometric mean)             | 0.00321             | NA      | 0.001                  | 0.5        |
| Hardness as CaCo <sub>3</sub> (geometric mean) | 178.7359            | NA      | NA                     | NA         |
| Barium, dissolved                              | 0.095               | NA      | 0.0040                 | 100        |
| Benzo[a]anthracene, total                      | ND                  | NA      | 0.2000 *               | 0.023      |
| Boron, dissolved                               | 0.051               | NA      | 0.0100                 | 100        |
| Chromium, dissolved                            | ND                  | NA      | 0.0040                 | 10         |
| Chrysene, total                                | ND                  | NA      | 0.2000                 | 0.023      |
| Cobalt, dissolved                              | ND                  | NA      | 0.0020                 | 50         |
| Lead, dissolved                                | ND                  | NA      | 0.0020 *               | 0.5        |
| Lead, total recoverable                        | ND                  | NA      | 0.0020 *               | 0.5        |
| Manganese, dissolved                           | 0.0043              | NA      | 0.1000                 | NA         |
| Mercury, total                                 | ND                  | NA      | 0.00020 *              | 0.005      |
| Mercury, dissolved                             | ND                  | NA      | 0.00020 *              | 0.005      |
| Molybdenum, dissolved                          | 0.011               | NA      | 0.0020                 | 10         |
| Molybdenum, total recoverable                  | 0.012               | NA      | 0.0020                 | 10         |
| Nickel, dissolved                              | ND                  | NA      | 0.0020 *               | 0.5        |
| Nickel, total recoverable                      | ND                  | NA      | 0.0020 *               | 0.5        |
| Phenanthrene, total                            | ND                  | NA      | 0.2000                 | NA         |
| Pyrene, total                                  | ND                  | NA      | 0.2000 *               | 10         |
| Selenium, total recoverable                    | 0.0030              | NA      | 0.0020                 | 5.0        |
| Selenium, dissolved                            | 0.0023              | NA      | 0.0020                 | 5.0        |
| Silver, dissolved                              | ND                  | NA      | 0.0020 *               | 0.1        |
| Silver, total recoverable                      | ND                  | NA      | 0.0020 *               | 0.1        |
| Thallium, dissolved                            | ND                  | NA      | 0.0020 *               | 0.3        |
| Uranium, dissolved                             | 0.0031              | NA      | 0.0010 *               | 0.1        |
| Vanadium, dissolved                            | 0.0026              | NA      | 0.0020                 | 50         |
| Zinc, Dissolved,                               | ND                  | NA      | 0.0040                 | 20         |
| Zinc, total recoverable                        | ND                  | NA      | 0.0040                 | 20         |

\* Reported as ND, however detection limit used does not meet MQL. Therefore, the detection limit was used as value for RP analysis.

#### **IV. REGULATORY AUTHORITY/PERMIT ACTION**

In November 1972, Congress passed the Federal Water Pollution Control Act, which established the NPDES permit program to regulate water pollution. This legislation introduced technology-based controls and set an interim goal to achieve “water quality that protects and supports the propagation of fish, shellfish, and wildlife, as well as recreational activities in and on the water.” This goal is often referred to as the “swimmable, fishable” standard.

Further amendments to CWA in 1977 granted the EPA the authority to implement pollution control programs, including the establishment of wastewater standards for industries. These amendments laid the foundation for regulating pollutant discharges into the waters of the United States. Additionally, it became unlawful for any person to discharge pollutants from a point source into navigable waters without obtaining a permit as required by the Act. Regulations governing the EPA-administered NPDES permit program can generally be found in 40 CFR §§ 122 (program requirements and permit conditions), 124 (decision-making procedures), 125 (technology-based standards), and 136 (analytical procedures). Other sections of the 40 CFR may address specific activities and can be referenced as needed.

On December 1, 2025, the applicant submitted a renewal permit application (Forms 1 and 2C). After reviewing the application under the Environmental Permit Regulations (40 CFR 124.3(c), 54 FR 18785, May 2, 1989), it was determined on February 5, 2026, that the application was administratively incomplete. Additional information was provided on April 10, 2026; however, laboratory results for the selected pollutants were still pending. The renewal application was deemed administratively complete upon receiving the laboratory data on April 29, 2026. It is proposed that the permit be reissued for a five-year term in accordance with 40 CFR § 122.46(a). The existing permit will remain valid until the new permit is issued, as the application was made administratively complete before the expiration of the existing final permit.

#### **V. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS**

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

Regulations contained in 40 CFR §122.44 require that 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.

##### **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 is generally based on the average of the best existing performance facilities within an industrial category or subcategory.

BCT - Technology-based standards for conventional pollutants.

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. Regulations at 40 CFR 411.13 and 411.17 define BAT and BCT effluent limitations, respectively, for the cement manufacturing non-leaching process, and 40 CFR 411.37 defines BCT effluent guidelines for runoff from materials storage piles at cement manufacturing facilities. Effluent limitations established at Outfall 001 in the current permit regulate overflows from Quarry #1 pond, which stores storm runoff and process effluent water from plant areas.

The 40 CFR 411.37 ELG of 50 mg/L was the basis for the establishment of the TSS effluent limitation at Outfall 001. EPA did not establish a 40 CFR 411.13 temperature limitation for Outfall 001 because discharges from Outfall 001 would be intermittent, and the permit restricted discharges during catastrophic or chronic precipitation events. Also, the 40 CFR 411.17 TSS mass load limitation might not be applicable at Outfall 001 because of the combination of storm runoff and process water. TSS reported that the maximum daily discharge exceeded the daily maximum limit of 50 mg/L. As a result, the draft permit proposes that the permittee report a 30-day average for TSS.

## C. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

### 1. General Comments

Water-quality-based requirements are necessary when effluent limits are more stringent than technology-based limits, 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 comply 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 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.

### 3. State Water Quality Standards

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC, effective August 14, 2025). The facility discharges into Corral Canyon an intermittent stream in segment number 20.6.4.98 (Cedro Canyon-Tijeras Arroyo to headwaters), thence into Tijeras Canyon a perennial stream in segment number 20.6.4.99 (Tijeras Arroyo-Four Hills Bridge to headwaters) of the Rio Grande Basin.

The designated uses for the intermittent stream are livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact. However, none of these uses is currently assessed. The designated uses of the downstream perennial stream are warmwater aquatic life, livestock watering, wildlife habitat, and primary contact. Therefore, chronic aquatic life criteria are appropriate for reasonable potential (RP) screening.

The CWA sections 101(a)(2) and 303(c) require water quality standards to provide, wherever attainable, water quality for the protection and propagation of fish, shellfish, wildlife, and recreation in and on the water, functions commonly referred to as "fishable/swimmable" uses. EPA's current water quality regulation effectively establishes a rebuttable presumption that "fishable/swimmable" uses are attainable and therefore should apply to a water body unless it can be demonstrated that such uses are not attainable.

#### 4. Permit Action - Water Quality-Based Limits

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) 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. TOXICS

The previous permit established limits for total aluminum and total copper. These limits will be maintained. In accordance with 40 CFR 122.45(c), total recoverable metal concentration must be established as effluent limitations. The exceptions listed in that sub-section refer to technology based, not WQ-based, criteria. The permittee must report total or total recoverable metal concentrations for compliance purposes. Because State WQS for aluminum and copper were dissolved-based criteria, the linear partition coefficient for copper to convert dissolved copper concentration to total concentration is used to calculate the maximum daily effluent limitation. However, because a partition coefficient for aluminum is not available, the effluent limitation for total aluminum is based on the dissolved criteria. Six samples with hardness data were submitted and the geometric mean of these samples 1.1099 mg/L was used for RP screening purposes. The permit continues to propose including monitoring for hardness (CaCO<sub>3</sub>) for later RP analysis.

##### 1. Aluminum

Aluminum did not show reasonable potential (RP) based on effluent data. The DMR reports show a 30-day average concentration of 9.9 mg/L. This value exceeds the 0.75 mg/L assigned to the 30-day limitation. Given the extremely limited data availability and infrequent discharges, EPA will maintain the previous limit to comply with anti-backsliding requirements and expects to have a data pool to assess future aluminum limitations. A daily maximum limit of 0.75 mg/L for aluminum was formerly established in the earlier draft permit based on water quality standards. It is again proposed that this limit of 0.75 mg/L be maintained and applied to the 30-day average as well. The draft permit will continue to set daily and 30-day loading limits of 0.78 lbs/day.

##### 2. Copper

Copper did not exhibit reasonable potential (RP) during the current analysis based on the effluent data. However, a permit limit of 0.011 mg/L for daily maximum discharge was previously established for copper in accordance with water quality standards. This limit will remain in place in the current draft permit. As mentioned in the last permit draft, it is proposed that a limit of 0.011 mg/L also be applied to the 30-day average. Due to limited data and infrequent discharges, the monitoring requirements for dissolved copper will remain in the current draft permit.

##### 3. Cadmium

The permittee reported several non-detect results for Cadmium; the submitted test did not meet SSM requirements. As previously described, the permittee has not been discharged for approximately five years. It is unable to obtain samples for analysis at the appropriate detection level.

As a result, the permittee's detection limit of 0.002 mg/L was used as the effluent concentration in the RP analysis. Using this value, Cadmium showed RP, and as a result, limits were suggested. Because data is limited and based on presumptive values, Cadmium monitoring and reporting requirements will be added to the draft permit to obtain more current data for later RP analysis. Limits will not be prescribed.

#### 4. Benzo(a)anthracene and Thallium

The applicant has reported non-detect results for Benzo(a)anthracene and Thallium. The reporting limits for these pollutants do not meet SSM requirements. Therefore, EPA used the detection limits of 0.2 and 0.002 mg/L, respectively, as the effluent concentration values in the RP analysis. Using these values, Benzo(a)anthracene and Thallium showed RP, and as a result, limits were suggested. Because data is limited and based on presumptive values, Benzo(a)anthracene and Thallium monitoring and reporting requirements will be added to the draft permit to obtain more current effluent data for later RP analysis. Limits will not be prescribed.

#### 5. Selenium

The permittee reported a non-detect result for Selenium; however, the test submitted did not meet SSM requirements. Consequently, the permittee's detection limit of 0.002 mg/L was used as the effluent concentration value in the RP analysis. Using this value, Selenium was found to show RP, leading to the suggestion of limits. Only one sample result was provided due to a drought. Because data is limited and based on presumptive values, Selenium monitoring and reporting requirements will continue in order to obtain more current effluent data for future RP analysis. As a result, limits will not be set at this time.

#### b. Oil & Grease

As noted in Table C of EPA Form 3510-01, the applicant identifies the presence of oil and grease (O&G) in the discharge. O&G can originate from various sources, including operational maintenance, the use of heavy machinery, fuel handling, and stormwater runoff. The EPA plans to maintain the narrative limitation for oil and grease, stating that there should be "no visible sheen."

#### c. PFAS (Per- and Polyfluoroalkyl Substances)

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<sup>1</sup>. 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 at 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 not an 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. This is consistent with the December 5, 2022, USEPA Memorandum, Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs, from Radhika Fox<sup>2</sup>.

In October 2021, EPA published a PFAS Strategic Roadmap [1] that described EPA’s commitments to action for 2021 through 2024. This roadmap includes a commitment to issuing new guidance recommending PFAS monitoring in state-issued and federally issued NPDES permits using EPA’s recently published analytical Method 1633. In anticipation of this guidance, EPA has included PFAS monitoring three times per term in the draft permit using analytical Method 1633<sup>3</sup>.

<sup>1</sup> EPA, *EPA’s Per- and Polyfluoroalkyl Substances (PFAS) Action Plan*, EPA 823R18004, February 2019. Available at: [https://www.epa.gov/sites/production/files/2019-02/documents/pfas\\_action\\_plan\\_021319\\_508compliant\\_1.pdf](https://www.epa.gov/sites/production/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf).

<sup>2</sup> The memo is available at <https://www.epa.gov/newsreleases/epa-issues-guidance-states-reduce-harmful-pfas-pollution>.

<sup>3</sup> For more information on Method 1633, see <https://www.epa.gov/cwa-methods/cwa-analytical-methods-and-polyfluorinated-alkyl-substances-pfas>.

#### Region 6 Recommended Monitoring Frequencies

| Facility Type <sup>1,2</sup>                               | Measurement Frequency |
|------------------------------------------------------------|-----------------------|
| Minor (< 0.1 MGD)                                          | Once/Term             |
| Minor (0.1 ≤ 1.0 MGD) <sup>2,3</sup>                       | 3/Term                |
| Major (if NOT in an applicable category) <sup>2</sup>      | Once/6 Months         |
| Major (if IS in an applicable category) <sup>2</sup>       | Quarterly             |
| Major (with required pretreatment OR discharge is > 5 MGD) | Quarterly             |

## Footnotes:

1. These recommended frequencies are only for facilities where an applicable ELG for PFAS does not apply. These frequencies may be altered if an industry category is known or suspected to discharge PFAS or based on the permit writer's BPJ.
2. More information on PFAS is available at <https://www.epa.gov/pfas>.
3. PFAS samples must be collected and analyzed in three separate calendar years

**D. 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 March 2012, NMIP. Based on the facility's discharge frequency, the NMIP requires that pH be monitored daily and that all other limited parameters be monitored weekly. Flow is proposed to be monitored daily by estimation. The grab sample type is proposed because a discharge would be the overflow from a retention pond.

**E. WHOLE EFFLUENT TOXICITY LIMITATIONS**

Procedures for implementing WET terms and conditions in NPDES permits are contained in the NMIP (March 2012). Table 11 in Section V of the NMIP outlines the WET testing types for different discharge types. The appropriate type of test for this facility is a chronic test, once every 5 years, using *Ceriodaphnia dubia* and *Pimephales promela*. The critical dilution of the discharge is 100%, and the testing series shall be 32%, 42%, 56%, 75%, 100%. During the period beginning on the effective date of the permit and ending on its expiration date, the permittee is authorized to discharge from Outfall 001 into Corral Canyon. WET testing is established at Outfall 001 and must be performed during the first discharge.

**VI. FACILITY OPERATIONAL PRACTICES****A. BEST MANAGEMENT PRACTICES**

1. The operator shall take reasonable steps to maintain the maximum capacities of retention ponds to contain process wastewaters and stormwater runoff from manufacturing areas.
2. Discharges are restricted to overflows from the retention pond due to catastrophic or chronic precipitation events.
3. Discharges of storm water runoff from access roads in undisturbed areas shall be covered under the NPDES Multi-Sector Storm Water Permit.
4. If a discharge of storm runoffs from mining areas is necessary, the discharge must comply with effluent limitations established at Outfall 001.

**B. OPERATION AND REPORTING**

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

## VII. 303(d) LIST

According to the 2026-2028 New Mexico Clean Water Act §303(d)/305(b) Integrated Report, Cedro Canyon (Tijeras Arroyo to headwaters) is classified as category 3/3A. This classification indicates that there are insufficient data and information to determine support for the designated uses, so that no assessment can be made.

On the other hand, Tijeras Arroyo (Four Hills Bridge to headwaters), a tributary of the Rio Grande, is classified as category 4A. This classification indicates that at least one designated or existing use is not being supported, and that a Total Maximum Daily Load (TMDL) has already been established. Although all designated uses are fully supported, except for warmwater aquatic life, a nutrient impairment affects this use. A TMDL to address this nutrient impairment was developed in 2017, and it can be reviewed at the following link: [EPA Approved Tijeras Arroyo TMDL: [https://www.env.nm.gov/surface-water-quality/wp-content/uploads/sites/25/2016/03/EPA\\_Approved-TIJERAS-ARROYO-TMDL\\_101217.pdf](https://www.env.nm.gov/surface-water-quality/wp-content/uploads/sites/25/2016/03/EPA_Approved-TIJERAS-ARROYO-TMDL_101217.pdf)].

The EPA does not consider the discharger to be a probable contributor to the impairment, given the nature of the operation and the frequency of discharges. Additionally, the standard reopener language in the permit allows for the addition of new permit conditions if necessary due to future changes or new TMDLs. Currently, no additional pollutants have been identified for this water body to address the stream impairment.

## VIII. ANTIDEGRADATION

The NMAC Section 20.6.4.8, titled “Antidegradation Policy and Implementation Plan,” outlines the requirements for protecting designated uses through the enforcement of state water quality standards. The limitations and monitoring requirements specified in the proposed permit are based on these state standards. They are designed to safeguard the designated uses. Additionally, the policy aims to maintain the existing quality of waters that exceed their designated uses. The permit requirements and limits help protect the assimilative capacity of the receiving waters, thereby ensuring the protection of their designated uses, as stated in NMAC Section 20.6.4.8.A.2.

## IX. ANTIBACKSLIDING

The proposed permit complies with the anti-backsliding provisions outlined in the Clean Water Act, Section 402(o), and 40 CFR §122.44(l)(i)(A). These provisions specify that interim or final effluent limitations must be at least as strict as those in the previous permit, unless there have been significant changes or additions to the permitted facility since the permit was issued, which would justify applying less stringent effluent limitations. While the previous permit limits have been retained, additional limits and monitoring requirements have been introduced.

## X. ENDANGERED SPECIES CONSIDERATIONS

According to the listing available at US Fish and Wildlife Service (USFWS), <https://ecos.fws.gov/ecp/report/species-listings-by-current-range-county?fips=35001>, on March 31, 2026, the following eight species in Bernalillo County are listed as endangered or threatened:

Mexican spotted owl (*Strix occidentalis lucida*)- Threatened  
Rio Grande Silvery Minnow (*Hybognathus amarus*) - Endangered  
Suckley's cuckoo bumble bee (*Bombus suckleyi*) - Endangered  
Yellow-billed Cuckoo (*Coccyzus americanus*) - Threatened  
New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) - Endangered

Southwestern willow flycatcher (*Empidonax traillii extimus*) - Endangered  
Monarch butterfly (*Danaus plexippus*) - Threatened  
Mexican wolf (*Canis lupus baileyi*) - Endangered

The American bald eagle was previously listed as an endangered species. On July 9, 2007, the U.S. Fish and Wildlife Service (USFWS) removed the American bald eagle from the Federal List of Endangered and Threatened Wildlife for the lower 48 states (Federal Register, Volume 72, Number 130). Additionally, the Environmental Protection Agency (EPA) had assessed the impacts on threatened and endangered species by reviewing a report titled "Threatened and Endangered Species Survey of Kirtland Air Force Base (KAFB), New Mexico," dated April 1995. This assessment took place when the EPA issued a permit to the GCC Rio Grande in 2000. At that time, neither the Mexican spotted owl nor the southwestern willow flycatcher was observed in the area. It was noted that the discharge from the facility could potentially be diluted by runoff if it reaches the Rio Grande, which could affect the Rio Grande silvery minnow. In addition, USFWS had defined the site as not having any critical habitat for any of the endangered and threatened species.

In accordance with requirements under section 7(a)(2) of the Endangered Species Act, EPA has reviewed this permit again 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 it adversely modify designated critical habitat.

EPA makes this determination based on the following:

1. There have been no changes in the operation and treatment of discharge since the prior issuance of the permit.
2. EPA has received no additional information since the previous permit issuance, which would lead to a revision of its determinations. Also, the draft permit is consistent with the State's WQS and does not increase pollutant loading.
3. The NPDES program regulates the discharge of pollutants from the treatment facility. It does not regulate forest and agricultural management practices.

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.

## **XI. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS**

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

## **XII. PERMIT REOPENER**

The permit may be reopened and modified throughout its duration if relevant sections of the New Mexico Water Quality Standards (NMWQS) are revised or remanded by the New Mexico Water Quality Control Commission. Additionally, the permit may be modified if relevant procedures for implementing the Water Quality Standards are updated or established by the New Mexico Environment Department (NMED). If the state adopts a new water quality standard or develops or amends a Total Maximum Daily Load (TMDL), this permit may be revisited to set effluent limitations that align with the approved state standard and/or water quality management plan, in accordance with [40 CFR 122.44(d)]. Any modifications to the permit must comply with the provisions outlined in [40 CFR 124.5].

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 information was used to develop the proposed permit:

A. **APPLICATION(s)**

EPA renewal application Form 1 and 2C received December 1, 2025. Additional information received April 10, 2026, and April 29, 2026.

B. Citations to 40 CFR are as of April 16, 2026

C. Endangered Species References

<https://ecos.fws.gov/ecp/report/species-listings-by-current-range-county?fips=35001>

D. **STATE OF NEW MEXICO REFERENCES**

New Mexico Water Quality Standards: New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, Effective August 14, 2025.

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, 2026-2028.

E. **MISCELLANEOUS REFERENCES**

Email from Helen Nguyen, EPA, R6, on March 4, 2026, providing DMR data for the GCC Rio Grande.

Email to Susan LucasKamat requesting a review of the draft permit, sent on April 30, 2026. Susan A. Lucas Kamat, Municipal Team Supervisor of the Point Source Regulation Section, provided comments May 13, 2026.

The email to Roberto Bernier, ECAD Region 6 requesting a review of the draft permit, sent on April 30, 2026. Received comments on May 13, 2026, from David Montoya, Jr.

Email to Silvia Zavala, EPA, R6, on April 30, 2026, for review of the draft permit's WET language and requirements. Respond received on May 18, 2026.