NPDES PERMIT NO. NM0029629
FACT SHEET

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

APPLICANT

Anthony Water & Sanitation District WWTP
P.O. Box 1751
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ISSUING OFFICE

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PREPARED BY

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DATE PREPARED

October 30, 2017

PERMIT ACTION

Proposed reissuance of the current NPDES permit issued December 12, 2012, with an effective date of January 1, 2013, and an expiration date of December 31, 2017.

RECEIVING WATER – BASIN

Rio Grande – 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. CHANGES FROM THE PREVIOUS PERMIT

Changes from the permit previously issued December 12, 2012, with an effective date of January 1, 2013 and an expiration date of December 31, 2017, are:

A. Discharge Monitoring Report (DMR) results shall be electronically reported to EPA per 40 CFR 127.16.

B. Low flow 4Q3 has changed to 1.06 cfs.

C. Monitoring for Boron has been added to the draft permit since that segment of the Rio Grande is impaired for that pollutant.

II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility is located at 1155 N. Fourth Street in Anthony, Dona Ana County, New Mexico.

Under the SIC Code 4952, the discharge is from a POTW with a design flow capacity of 0.98 MGD. The Anthony Water and Sanitation District WWTP serves a residential population of approximately 9,875.

Flow from the City of Anthony enters the WWTP from eight lift stations. An instantaneous flow measuring device is located on the influent pipe as it enters the treatment works. The headworks consists of a manually cleaned bar screen. Screenings are placed in a container for shipment to a sanitary landfill after drying.

Flow from the headworks enters the first of four aeration basins. The aeration basins run in series. In between each aeration basin is an anoxic basin for nitrogen removal. Flow passes through all seven basins during the treatment phase. A mixer in the anoxic basins keeps the solids suspended and the contents moving, but provides no oxygenation. Air for the aeration basins is provided through in-line diffusers on the bottom of the aeration basins. Blowers provide the air for the aeration system.

Flow from aeration basin number 4 enters the circular, centrally located secondary clarifier via an 18-inch influent line. Solids are allowed to settle in this unit and returned to the aeration basins through a return activated sludge (RAS) line. When Mixed Liquor Suspended Solids (MLSS) levels get relatively high, sludge is wasted to an aerobic digester. The clarifier is skirted to prevent floating material from exiting the unit. A sweep arm scum removal system is employed to pick the foam off the surface and deposit it into a scum box. The scum box contents are drained into the digester. Scrappers are used on the bottom of this unit to move sludge to the center of the clarifier. Effluent from the clarifier flows by gravity in the weir gallery to a 16-inch clarifier effluent line.

Flow from the secondary clarifier travels by gravity to the disinfection unit. Disinfection at this facility is accomplished through two banks of ultra violet (UV) lamps located in the effluent channel. An opacity meter at this unit determines when the lamps need to be cleaned.

After the disinfection unit effluent flow measurement takes place. An in-channel 12-inch Parshall flume is used to measure effluent flow with a secondary sonic sensor device for continuous readout of the flow in gpm and a totalizer. Flow then leaves the WWTP by gravity and enters the Rio Grande through a 3-mile-long discharge pipe.

Waste activated sludge (WAS) is pumped from the secondary clarifier to an aerobic digestion unit. The contents are aerated and mixed prior to going to the belt filter press. Dried sludge is then removed and transferred to a sanitary landfill in Sunland Park for final disposal.

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC, June 8, 2017). The facility discharges into the Rio Grande in Waterbody Segment No. 20.6.4.101 of the Rio Grande Basin. The designated uses of this receiving water are irrigation, livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact.

The discharge location is as follows:

Outfall 001: Latitude 32° 01' 23" North, Longitude 106° 38' 54" West.

III. EFFLUENT CHARACTERISTICS

A quantitative description of the discharge(s) described in the EPA Permit Application Form 2A received February 17,2017 are presented below in Table 1.

POLLUTANT TABLE – 1

Parameter	Max. (mg/l unless noted)	Avg. (mg/l unless noted)
Flow, million gallons/day (MGD)	1.3	0.67
Temperature, winter	19.1° C	15.6° C
Temperature, summer	32.0° C	30.0° C
pH, minimum, standard units (SU)	7.26 su	N/A
pH, maximum, standard units (SU)	7.82 su	N/A
Biochemical Oxygen Demand, (BOD)	1.5	1.3
Fecal coliform (bacteria/100 ml)	39.0	6.2
Total Suspended Solids (TSS)	2.10	1.50
Chlorine (total residual) Note: Chlorine not in use as disinfectant	N/A	N/A
Dissolved Oxygen	No data submitted.	No data submitted.
Total Kjeldahl Nitrogen (TKN)	2.90	1.40
Nitrate Plus Nitrite Nitrogen	9.30	3.50
Phosphorus (Total)	3.60	N/A
Total Dissolved Solids (TDS)	1,490	1,438

N/A – not applicable

A summary of the last 36 months of available pollutant data from July 1, 2014 through September 22, 2017, taken from DMRs shows no exceedances of permit limits for pH, TRC, and BOD_5. During the same period, exceedances were reported for *E. coli*.

Pollutant/Limit	**Month/Year of Exceedances - Value**
E. coli/30-day avg. - 126 cfu/100 ml	Oct/2015 - 292, Nov/2016 – 158, Feb/2017 - 269
E. coli/max – 410 cfu/100 ml	Mar/2015 – 2,000, Apr/2015 – 6,000, Jul/2015 – 9,200, Sep/2015 – 2,100, Oct/2015 – 3,300, Jul/2016 – 980, Sep/2016 – 2,400, Oct/2017 – 4,300, Feb/2017 – 870, Apr/2017 – 12,600, Jun/2017 – 1,400
E. coli/30-day avg. – 4.3 bcfu/day	Mar/2015 – 45, Apr/2015 – 142, Jul/2015 – 233, Aug/2015 – 9.7, Sep/2015 – 52.6, Oct/2015 – 72.8, Mar/2016 – 12.4, Jul/2016 – 34.9, Sep/2016 – 72.2, Oct/2016 – 115.2, Nov/2017 – 16.5, Dec/2016 – 11.4, Jan/2017 – 6.7, Feb/2017 – 30.6, Apr/2017 – 350.5, Jun/2017 - 44

IV. REGULATORY AUTHORITY/PERMIT ACTION

In November 1972, Congress passed the Federal Water Pollution Control Act establishing the NPDES permit program to control water pollution. These amendments established technology-based or end-of-pipe control mechanisms and an interim goal to achieve "water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water"; more commonly known as the "swimmable, fishable" goal. Further amendments in 1977 of the CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry and established the basic structure for regulating pollutants discharges into the waters of the United States. In addition, it made it

unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. Regulations governing the EPA administered NPDES permit program are generally found at 40 CFR §122 (program requirements & permit conditions), §124 (procedures for decision making), §125 (technology-based standards) and §136 (analytical procedures). Other parts of 40 CFR provide guidance for specific activities and may be used in this document as required.

It is proposed that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a). The existing permit expires December 31, 2017. The application was received on February 17, 2017. The existing permit will be administratively continued until this permit is issued.

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 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 and pH.

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. POTWs have technology-based ELGs established at 40 CFR 133, Secondary Treatment Regulation. Pollutants with ELGs established in this Chapter are BOD, TSS and pH. BOD_5 limits of 30 mg/L for the 30-day average, 45 mg/L for the 7-day average, and 85% percent (minimum) removal are found at 40 CFR §133.102 (a). TSS limits of 30 mg/L for the 30-day average, 45 mg/L for the 7-day average, and 85% percent (minimum) removal are found at 40 CFR §133.102(b). ELGs 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 POTWs or WWTPs, the plant's design flow is used to establish the mass load. Mass limits are determined by the following mathematical relationship:

0.98 MGD Design Flow

Loading in lbs/day = pollutant concentration in mg/L * 8.345 lbs/gal * design flow in MGD

30-day average BOD_5/TSS loading = 30 mg/L * 8.34 lbs/gal * 0.98 MGD
30-day average BOD_5/TSS loading = 245 lbs.
7-day average BOD_5/TSS loading = 45 mg/L * 8.34 lbs/gal * 0.98 MGD
7-day average BOD_5/TSS loading = 368 lbs.

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

Final Effluent Limits – 0.98 MGD design flow.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			
	lbs/Day		mg/l (unless noted)	
Parameter	30-Day Avg.	7-Day Avg.	30-Day Avg.	7-Day Avg.
Flow	N/A	N/A	Measure MGD	Measure MGD
BOD_5	245	368	30	45
BOD_5, % removal, minimum	≥ 85% (*1)	---	---	---
TSS	245	368	30	45
TSS, % removal, minimum	≥ 85% (*1)	---	---	---
pH	NA	NA	6.0 - 9.0 s.u. (*2)	

Footnote: *1 – Percent removal is calculated using the following equation: [(average monthly influent concentration – average monthly effluent concentration) ÷ average monthly influent concentration] x 100
*2 – See Section V.C.4.b below.

C. WATER QUALITY BASED LIMITATIONS

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.

3. State Water Quality Standards

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC, approved June 8, 2017). The facility discharges into the Rio Grande in Waterbody Segment No. 20.6.4.101 of the Rio Grande Basin. The designated uses of this receiving water are irrigation, livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact.

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

New Mexico WQS require *E. coli* of 126 cfu/100 mL monthly geometric mean and 410 cfu/100 ml daily maximum, end-of-pipe to protect the primary contact designed use of the receiving stream, which were established as limits in the current permit. These limits are maintained in the draft permit.

b. pH

The NMWQS criteria applicable to marginal warmwater aquatic life designed use require pH to be between 6.6 to 9.0 s.u. These limits were established in the current permit and are maintained in the draft permit.

c. Boron

The receiving stream is impaired for dissolved Boron as established in the 2016-2018 State of New Mexico 303(d) list. Monitoring for Boron will be added to the draft permit. No WLA has been assigned to the facility.

d. 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 criteria, 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. Critical Conditions

Critical conditions are used to establish certain permit limitations and conditions. The State of New Mexico WQS allows a mixing zone for establishing pollutant limits in discharges. Both the NMWQS and NMIP establish a critical low flow designated as 4Q3, as the minimum average four consecutive day flow which occurs with a frequency of once in three years. The draft permit establishes a critical dilution based on the 4Q3 utilized in the current permit.

For permitting purposes of certain parameters such as WET, the critical dilution of the effluent to the receiving stream is determined. The critical dilution, CD, is calculated as:

$CD = Qe/(F \cdot Qa + Qe)$, where:

Qe = facility flow (0.98 MGD/1.519 cfs)
Qa = critical low flow of the receiving waters (0.69 MGD/1.06 cfs)
F = fraction of stream allowed for mixing (1.0)

CD = 0.98 MGD/[(1.0)(0.69) + 0.98]
=58.68
= 59 %

iii. TRC

For TRC, State WQS establish acute end-of-pipe criteria of 19 µg/L and chronic in-stream criteria of 11 µg/L. The current permit established a limit of 19 µg/L, which at a critical dilution of 59% is the more stringent value. Therefore, the draft permit proposes the same limit as the previous permit.

5. TMDL Requirements

There's a TMDL for the Main Stem of the Lower Rio Grande (for the International boundary with Mexico to Elephant Butte Dam) from the 2016-2018 State of New Mexico 303(d) list for *E. coli*. The wasteload allocation for the Anthony Water and Sanitation District WWTP was incorporated into the draft permit as an *E. coli* 30-day average loading limit of 4.30 billion (1.0 x 10^9) cfu/day. The *E. coli* loading limit shall be calculated as follows:

[Flow in MGD x cfu/100 mL in effluent x 3.79 x 10^7] / 1.0 x 10^9

6. Other Requirements

N/A

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). Changes to sample frequencies have been made based on the NMIP in order to ensure consistency with similar sized facilities.

Technology based pollutants; BOD and TSS are proposed to be monitored three times per month by 3-hour composite sample. Percent removal of BOD and TSS are proposed to be monitored once per month. Flow is proposed to be monitored daily by totalizing meter.

Water quality-based pollutant monitoring frequency for *E. coli* shall be three times per month by grab sample. TRC shall be monitored five times per week using instantaneous grab samples, as opposed to the daily requirements of the current permit. Regulations at 40 CFR §136 define instantaneous grab as being analyzed within 15-minutes of collection. The monitoring frequency for pH is maintained five times per week in the draft permit. Boron monitoring will be added to the draft permit for the first time and will be monitored once per month.

E. WHOLE EFFLUENT TOXICITY LIMITATIONS

OUTFALL 001

In Section V.C.4.c.ii above; "Critical Conditions", it was shown that the critical dilution, CD, for the facility is 59%, and the discharge is to a perennial receiving water. Based on the nature of the discharge; POTW, the design flow; greater than 0.1 MGD, the nature of the receiving water; perennial, and the critical dilution; 59%, the NMIP directs the WET test to be a 7 day chronic

test using *Ceriodaphnia dubia* and *Pimephales promelas* at a once per 12-month frequency consistent with the NMIP. WET limits are not being included in the proposed permit. The current permit established a requirement to conduct acute biomonitoring using *Daphnia pulex* and *Pimephales promelas*. The proposed permit is requiring chronic biomonitoring using *Ceriodaphnia dubia* and *Pimpephales promelas*. No reasonable potential exists for acute toxicity, and reasonable potential for chronic toxicity will be assessed during the proposed permit term to determine the need for WET limits in the subsequent permit reissuance. The current permit established a monitoring frequency of once per permit term. However, as noted above the monitoring frequency has been proposed as once per 12 months in accordance with the NMIP.

The proposed permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests based on a 0.75 dilution series. These additional effluent concentrations shall be 25%, 33% 44%, 59%, and 79%. The low-flow effluent concentration (critical low-flow dilution) is defined as 59% effluent.

During the period beginning the effective date of the permit and lasting through the expiration date of the permit, the permittee is authorized to discharge from Outfall 001 - the discharge to Rio Grande `of the treatment system aeration basin. The aeration basin receives process area wastewater, process area stormwater, and treated sanitary wastewater. Discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	**DISCHARGE MONITORING**	**MONITORING REQUIREMENTS**	
WHOLE EFFLUENT TOXICITY (7-day Static renewal/ NOEC) (1/)	Value	MEASUREMENT FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	Report	Once/12 Months	24-Hr Composite
Pimephales promelas	Report	Once/12 Months	24-Hr Composite

FOOTNOTES

1/ Monitoring and reporting requirements begin on the effective date of this permit. See Part II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

VI. 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 at a later date 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. WASTE WATER POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute programs directed towards pollution prevention. The permittee will institute programs to improve the 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 E-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.

VII. 303(d) LIST

The Rio Grande, from Anthony Bridge to NM192 bridge, is listed on the "2014-2016 State of New Mexico Integrated Clean Water Act Section 303(d) / 305(b) Report." The waterbody is classified as Category 4A with marginal warmwater aquatic life, irrigation, livestock watering, and wildlife habitat as fully supporting. Primary contact is listed as not supporting. *E. coli* is listed as a probable cause of impairment and a TMDL for the Main Stem of the Lower Rio Grande (for the International boundary with Mexico to Anthony Bridge) was approved by the EPA on June 11, 2007. The wasteload allocation for the Anthony Water and Sanitation District WWTP was incorporated into the draft permit as a loading limit. See Section V.C.5 above. Dissolved boron was listed in 2014 as not supporting for irrigation, a monitoring only schedule has been added to the draft permit.

The standard reopener language in the permit allows additional permit conditions if warranted by new or revised TMDLs.

VIII. ANTIDEGRADATION

The State of New Mexico has antidegradation requirements to protect existing uses through implementation of its WQS. The limitations and monitoring requirements set forth in the proposed draft are developed from the appropriate State WQS and are protective of those designated uses. Furthermore, the policy's set 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.

IX. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet antibacksliding 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 limitations of the previous permit for BOD, TSS, pH, and *E. coli*. Limitations for TRC are proposed to be more stringent than those included in the current permit. Any other changes to the permit represent requirements that are consistent with the States WQS and WQMP.

X. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at USFWS, Southwest Region 2 website, http://www.fws.gov/southwest/es/EndangeredSpecies/EndangeredSpecies_Lists/EndangeredSpecies_Lists_Main.cfm, six species in Dona Ana County are listed as endangered (E) or threatened (T). Four of the species are avian and include the northern aplomado falcon (*Falco femoralis septentrionalis*) (E), the Mexican spotted owl (*Strix occidentalis lucida*) (T), the least tern (*Sterna antillarum*) (E), and Southwestern willow flycatcher (*Empidonax traillii extimus*) (E). One of the species is a flowering plant, the Sneed pincushion cactus (Coryphantha *sneedii var. sneedii*) (E), and one species is a fish, the Rio Grande silvery minnow (*Hybognathus amarus*) (E). The American bald eagle (*Haliaeetus leucocephalus*) was previously listed as endangered; however, the USFWS removed the American bald eagle in the lower 48 states from the Federal List of Endangered and Threatened Wildlife Federal Register, July 9, 2007, (Volume 72, Number 130).

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 and 2 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 since construction activities are not planned in the reissuance.

XII. EVIRONMENTAL JUSTICE

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, directs each federal agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities." The EPA strives to enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process for EPA-issued permits, including NPDES permits. "Overburdened" communities can include minority, low-income, tribal, and indigenous populations or communities that potentially experience disproportionate environmental harms and risks. As part of an agency-wide effort, the EPA Region 6 will consider prioritizing enhanced public involvement opportunities for EPA-issued permits that may involve activities with significant public health or environmental impacts on already overburdened communities. For more information, please visit http://www.epa.gov/compliance/ej/plan-ej/ .

As part of the Permit development process, the EPA conducted a screening analysis to determine whether this Permit action could affect overburdened communities. The EPA used a nationally consistent geospatial tool that contains demographic and environmental data for the United States at the Census block group level. This tool is used to identify Permits for which enhanced outreach may be warranted.

The EJ Screen score for the facility was at the 75th percentile (75%ile), and this is below the 80%ile cut-off for engaging in enhanced outreach around the availability of the Draft Permit for review and comment. Therefore, the Anthony Water & Sanitation District WWTP is not considered to be discharging in an EJ community and no enhanced outreach is necessary.

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 Forms 1 and 2A received February 17, 2017.

B. 40 CFR CITATIONS

Citations to 40 CFR are as of October 30, 2017.

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, as approved June 2017.

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

Statewide Water Quality Management Plan, December 17, 2002.

State of New Mexico 303(d) List for Assessed Stream and River Reaches, 2016 - 2018.

D. OTHER

NPDES Compliance Evaluation Inspection Report, Anthony Water & Sanitation District WWTP, January 21, 2016.

USFWS, Southwest Region 2 website, http://www.fws.gov/southwest/es/EndangeredSpecies/EndangeredSpecies_Lists/EndangeredSpecies_Lists_Main.cfm, accessed October 5, 2017.

Emails from NMED with preliminary comments to the draft permit and fact sheet.