

NPDES PERMIT NO. NM0028088

FACT SHEET

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

APPLICANT

Glorieta Camps
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ISSUING OFFICE

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DATE PREPARED

March 1, 2018

PERMIT ACTION

Renewal of a permit previously issued on June 14, 2013, with an effective date of August 1, 2013, and an expiration date of July 31, 2018.

RECEIVING WATER – BASIN

Glorieta Creek – Pecos River 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
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
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
DO	Dissolved oxygen
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FWS	United States Fish and Wildlife Service
mg/l	Milligrams per liter
ug/l	Micrograms per liter
lbs	Pounds
MG	Million gallons
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
ML	Minimum quantification level
O&G	Oil and grease
POTW	Publically owned treatment works
RP	Reasonable potential
SS	Settleable solids
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
USGS	United States Geological Service
WLA	Waste Load 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 June 14, 2013, with an effective date of August 1, 2013, and an expiration date of July 31, 2018, are as follow:

- Measurement frequency of O&G has been reduced from two per month to semi-annual based on effluent data submitted in DMRs.
- Added Sufficiently Sensitive Methods and e-Reporting as required by the NPDES Electronic Reporting Rule.

II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility (Latitude 35° 34' 43" N and Longitude 105° 40' 40.1" W) is located at 11 State Road 50, city of Glorieta, Santa Fe County, New Mexico.

Under the SIC code 4952, the applicant operates a privately owned WWTP (POTW-like). The facility has a design flow capacity of 0.40 MGD providing sanitary services for the conference center, including food service, and Glorieta Village with approximately 40 people. There is no industrial flow connecting to this facility.

The WWTP primarily consists of bar screen/grid chamber, aeration basin, clarifier, an ultraviolet (UV) disinfection unit, imhoff tanks for digestion/thickening, and sludge drying beds. Effluent is disinfected by the UV unit and discharged into the receiving creek. Sludge is composted to Class A bio-solids according to 40 CFR 503 requirements and then tested for metals and fecal coliform before giving it away.

III. EFFLUENT CHARACTERISTICS

Data submitted in Form 2E is as follows:

Parameter	Max	Avg
		(mg/l unless noted)
Flow (MGD)	0.12	0.0265
Temperature, winter, °C	16.0	8.5
Temperature, summer, °C	23.0	12.7
pH, minimum, standard units (su)	6.9	N/A
pH, maximum, standard units (su)	7.26	N/A
Biochemical Oxygen Demand, 5-day (BOD ₅)	7.03	5.46
E. coli (#bacteria/100 ml)/Fecal Coliform	2.31	1.38
Total Suspended Solids (TSS)	4.35	3.30
Ammonia (NH ₃)	0.51	0.13
TRC (ug/l)	NA	NA
Oil & Grease	0.73	0.062

A review of DMRs data from 8/1/2013 to 12/31/2017 shows no exceedances of permit limitations.

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 the 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.

The application was received on February 2, 2018. It is proposed that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a).

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, and percent removal for each. Water quality-based effluent limitations are established in the proposed draft permit for *E. coli* bacteria, pH and TRC.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. General Comments

Regulations promulgated at 40 CFR §122.44 (a) require technology-based effluent limitations to be placed in NPDES permits based on ELGs where applicable, on BPJ in the absence of guidelines, or on a combination of the two. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ procedures. 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, *E. coli* bacteria, pH, and O&G.

BAT - The most appropriate means available on a national basis for controlling the direct discharge of toxic and non-conventional pollutants to navigable waters. BAT effluent limits represent the best existing performance of treatment technologies that are economically achievable within an industrial point source category or subcategory.

2. Effluent Limitation Guidelines

The facility is a private domestic WWTP that has 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 and 85%

percent (minimum) removal 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, and 85% percent (minimum) removal 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). Limits for O&G are retained from the previous permit. Since these are technology-based there is no compliance schedule provided to meet these limits. Compliance is required on the permit effective date.

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 similar, the plant’s design flow is used to establish the mass load. Mass limits are determined by the following mathematical relationship:

$$\text{Loading in lbs/day} = \text{pollutant concentration in mg/l} * 8.345 \text{ (lbs)(l)/(mg)(MG)} * \text{design flow in MGD}$$

$$30\text{-day average BOD/TSS loading} = 30 \text{ mg/L} * 8.345 \text{ (lbs)(l)/(mg)(MG)} * 0.4 \text{ MGD} = 100 \text{ lbs/day}$$

$$7\text{-day average BOD/TSS loading} = 45 \text{ mg/L} * 8.345 \text{ (lbs)(l)/(mg)(MG)} * 0.4 \text{ MGD} = 150 \text{ lbs/day}$$

$$30\text{-day average O\&G loading} = 10 \text{ mg/L} * 8.345 \text{ (lbs)(l)/(mg)(MG)} * 0.4 \text{ MGD} = 33 \text{ lbs/day}$$

$$7\text{-day average O\&G loading} = 15 \text{ mg/L} * 8.345 \text{ (lbs)(l)/(mg)(MG)} * 0.4 \text{ MGD} = 50 \text{ lbs/day}$$

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

Parameter	30-day Avg	7-day Max	30-day Avg	7-day Max
BOD (lbs./day)	100	150	30	45
BOD, % removal ¹	≥ 85	---	---	---
TSS (lbs./day)	100	150	30	45
TSS, % removal ¹	≥ 85	---	---	---
O&G (lbs./day)	33	50	10	15
pH	N/A	N/A	6 to 9 s.u.	

1. Percent 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 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 effective June 5, 2013). The discharge is to receiving water Glorieta Creek of the Pecos River watershed, segment 20.6.4.217 NMAC. The designated uses of the receiving water(s) are domestic water supply, fish culture, high quality cold-water aquatic life, irrigation, livestock watering, wildlife habitat, primary contact and public water supply on the main stem of the Pecos River.

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. pH

For high quality cold-water aquatic life, criteria for pH is between 6.6 and 8.8 s.u. pursuant to 20.6.4.900.H(1) NMAC.

b. Bacteria

Criteria for E. coli bacteria is at 126 cfu/100 mL monthly geometric mean and 235 cfu/100 mL daily maximum pursuant to 20.6.4.217 NMAC.

c. Toxics

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 TRC described below.

d. TRC

The facility uses UV to treat bacteria. Consistent with all POTWs in the State of NM; however, TRC limitations are placed in permits to provide discharge limitations in the event chlorine is used as backup bacteria disinfection treatment and/or cleaning and disinfection of process equipment and/or used to

control filamentaceous algae. The previous permit established water quality-based effluent limitations for TRC of 11 µg/L and that limit will be continued in the draft permit with the conditions above stated as to when the facility needs to provide monitoring for TRC. When the above conditions are not being used the permittee may report N/A with a note stating chlorine was not used in the manner stated in the permit footnote.

5. 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 table 9 (page 34 of the NMIP) with design flow between 0.1 and 0.5 MGD; frequency for O&G is remained unchanged from the previous permit.

Parameter	Frequency	Sample Type
Flow	Daily	Totalized Meter
pH	5/week	Instantaneous Grab
BOD	2/month	Grab
TSS	2/month	Grab
% Removal	1/month	Calculation
TRC (if necessary)	5/week	Instantaneous Grab
E. coli Bacteria	2/month	Grab
O&G	Semi-annual*	Grab

* Measurement frequency of O&G has been reduced from two per month to semi-annual based on effluent data submitted in DMRs.

D. WHOLE EFFLUENT TOXICITY

Procedures for implementing WET terms and conditions in NPDES permits are contained in the NMIP. Table 11 (page 42) of the NMIP outlines the type of WET testing for different types of discharges. Based on the nature of the discharge, a POTW/POTW-like, the design flow of 0.4 MGD, and the nature of the receiving water, intermittent with the critical dilution of 100%, the NMIP directs the WET test to be a 7-day chronic tests using *Ceriodaphnia dubia* and *Pimephales promelas* once in the first year. If the chronic tests pass, 48-hr acute test using *Daphnia pulex* will be required annually for the remaining term. The EPA Reasonable Potential Analyzer for outfall 001 indicates that RP exists for *Ceriodaphnia dubia*, *Pimephales promelas*, and *Daphnia pulex* due to less than ten tests for each specie; but since reasonable potential for an excursion of the narrative criterion to protect the aquatic life against toxicity does not actually exist because toxic events were not demonstrated, WET limits will not be established in the proposed permit for the invertebrate or vertebrate species for outfall 001. EPA concludes that this effluent does not cause or contribute to an exceedance of the State water quality standards. Therefore WET limits will not be established in the proposed permit. Therefore continued WET monitoring is continued in the draft permit.

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 32%, 42%, 56%, 75%, and 100%. The low-flow effluent concentration (critical low-flow dilution) is defined as 100% effluent. Discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	30-day Avg. Min.	7-day Min.	Frequency	Type
WET Testing (7-day Static Renewal)¹				
Ceriodaphnia dubia (1 st year)	Report	Report	Once/year ²	24-hr Composite
Pimephales promelas (1 st year)	Report	Report	Once/year	24-hr Composite
WET Testing (48-hr Static Renewal)¹				
Daphnia pulex (years: 2 nd , 3 rd , 4 th , 5 th)	Report	Report	Once/ year ²	24-hr Composite

Note:

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

² The test shall take place between November 1 and April 30. This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple failures. However, upon failure of any WET test, the permittee must report the results to EPA and NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification of the test failure. EPA and NMED will review the test results and determine the appropriate action necessary, if any.

VI. TMDL REQUIREMENTS

Pecos River segment 20.6.4.217 is in the 2016-2018 State of New Mexico Clean Water Act §303(d) list of impaired waters with impairments for nutrient/eutrophication biological indicators and specific conductance. A TMDL has not been developed and finalized for this segment of the water body. Designated use(s) of high quality cold-water aquatic life is not supported and fish culture is not assessed. Because of the possible impairments, additional quarterly monitoring with no limits for the nutrients (total phosphorus and total nitrogen) would be appropriate. The permit has a standard reopener clause that would allow the permit to be changed if at a later date additional requirements on new or revised TMDLs are completed.

VII. ANTI-DEGRADATION

The NMAC, Section 20.6.4.8 “Anti-degradation 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.

VIII. ENDANGERED SPECIES CONSIDERATIONS

According to the USFWS for Santa Fe County, NM on March 1, 2018, the following species are listed as threaten or endanger: Yellow-billed Cuckoo (*Coccyzus americanus*) (threatened), Mexican spotted owl (*Strix occidentalis lucida*) (threatened), Southwestern willow flycatcher (*Empidonax traillii extimus*) (endangered) and North American wolverine (*Gulo gulo luscus*) (proposed endangered).

1. **Yellow-billed cuckoo** uses wooded habitat with dense cover and water nearby, including woodlands with low, scrubby, vegetation, overgrown orchards, abandoned farmland, and dense thickets along streams and marshes. In the Midwest, look for cuckoos in shrub-lands of mixed willow and dogwood,

and in dense stands of small trees such as American elm. In the central and eastern U.S., Yellow-billed Cuckoos' nests in oaks, beech, hawthorn, and ash. In the West, nests are often placed in willows along streams and rivers, with nearby cottonwoods serving as foraging sites.

2. **Mexican spotted owl** nests, forages, roosts and disperses in a wide variety of biotic communities:

- Mixed-conifer forests are commonly used throughout the range and may include Douglas fir, white fir, southwestern white pine, limber pine, and ponderosa pine. Understory may include Gambel oak, maples, box elder, and/or New Mexico locust. Highest densities of Mexican spotted owls occur in mixed-conifer forests that have experienced minimal human disturbance.
- Madran pine-oak forests are commonly used throughout the range, and, in the southwestern U.S., are typically dominated by an overstory of Chihuahua and Apache pines, with species such as Douglas fir, ponderosa pine, and Arizona cypress. Evergreen oaks are typically prominent in the understory.
- Rocky canyons are utilized by Mexican spotted owls in the northern part of their range, including far northern Arizona and New Mexico, and southern Utah and Colorado.

Nesting habitat is typically in areas with complex forest structure or rocky canyons, and contains mature or old growth stands which are uneven-aged, multistoried, and have high canopy closure. In the northern portion of the range (southern Utah and Colorado), most nests are in caves or on cliff ledges in steep-walled canyons. Elsewhere, the majority of nests are in Douglas-fir trees (*Pseudotsuga menziesii*). The patterns of habitat use by foraging owls are not well known, but Mexican spotted owls generally forage in a broader array of habitats than they use for roosting, and most commonly in Douglas fir. Ganey and Balda (1994) found that, in northern Arizona, owls generally foraged slightly more than expected in unlogged forests, and less so in selectively logged forests. However, patterns of habitat use varied between study areas and between individual birds, making generalizations difficult.

3. **Southwestern willow flycatcher** habitat occurs in riparian areas along streams, rivers, and other wetlands where dense willow, cottonwood, buttonbush and arrow-weed are present. The primary reason for decline is the reduction, degradation and elimination of the riparian habitat. Other reasons include brood parasitism by the brown-headed cowbird and stochastic events like fire and floods that destroy fragmented populations. The permit does not authorize activities that may cause destruction of the flycatcher habitat, and issuance of the permit will have no effect on this species.

4. **North American wolverines** in the Lower 48 live in rugged, remote country, spending most of their time in high elevations near or above timberline. Further north in Alaska and Canada, wolverines occur within a wide variety of elevations in alpine, boreal and arctic habitats, including boreal forests, tundra and western mountains.

Historically, wolverines once lived in the northern and southern Rocky Mountains, Sierra Nevada Mountains, and North Cascades Mountains, as well as in parts of the Midwest and the Northeast. Today, wolverines in the Lower 48 can be found in portions of the North Cascades Mountains in Washington and the northern Rocky Mountains in Montana, Idaho and Wyoming (this area also includes the Willowa Range in Oregon). There have been lone individuals found in Michigan's forests, the southern Rocky Mountains in Colorado, and the Sierra Nevada Mountains in California.

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 of the above referenced information, 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. EPA has received no additional information since the previous permit issuance which would lead to revision of its determinations.
2. The draft permit is consistent with the States WQS and identical to the previous permit. Also, no changes in the treatment of wastewater technology have been proposed or implemented since last issuance of the permit.
3. The NPDES program regulates the discharge of pollutants from the treatment facility and does not regulate forest and agricultural management practices.

IX. 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.

X. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if NMWQS are promulgated or revised. In addition, if the State develops 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.

XI. VARIANCE REQUESTS

None

XII. 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 of COE, to the Regional Director of FWS and to the National Marine Fisheries Service prior to the publication of that notice.

XIII. FINAL DETERMINATION

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

XIV. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(s)

EPA Application Form 2E received on February 2, 2018.

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, effective June 5, 2013.

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

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