NPDES PERMIT NO. NM0031178
FACT SHEET

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

APPLICANT

Camino Real Regional Utility Authority
North Wastewater Treatment Plant
P.O. Box 429
Sunland Park, NM 88063

ISSUING OFFICE

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
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PREPARED BY

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DATE PREPARED

September 14, 2018

PERMIT ACTION

Proposed first-time issuance of a National Pollutant Discharge Elimination System (NPDES) permit.

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed in Title 40, Code of Federal Regulations, revised as of March 13, 2003.

RECEIVING WATER – BASIN

Rio Grande River

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
DAF	Dissolved air flotation
DMR	Discharge monitoring report
DO	Dissolved oxygen
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
ug/l	Micrograms per litter (one part per billion)
mg/l	Milligrams per liter (one part per million)
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
RAS	Return activated sludge
RP	Reasonable potential
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
SWQB	Surface Water Quality Bureau
TBELs	Technology-based effluent limitations
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
UV	Ultraviolet Light

WET	Whole effluent toxicity
WLA	Waste-load Allocation
WQBELs	Water quality-based effluent limitations
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

As used in this document, references to State water quality standards and/or rules, regulations and/or management plans may mean the State of New Mexico and/or Tribal or both.

I. CHANGES FROM THE PREVIOUS PERMIT

This is a first-time issuance.

II. APPLICANT LOCATION AND ACTIVITY

As described in the application, the new wastewater treatment plant is located at 5500 McNutt Road, Sunland Park, Dona Ana County, New Mexico. It is replacing an old facility located at 5540 McNutt Road, Santa Teresa. Under the Standard Industrial Classification Code 4952, the new facility is a POTW scheduled to be complete in 2018 and has a design capacity of 1.0 MGD serving a population of 8064.

The discharge from the new POTW is to the Rio Grande River Segment 20.604.101. The new outfall is located at Latitude 31° 50' 12" North, Longitude 106° 36' 24" West.

III. 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 proposed permit expiration date is January 31, 2023. The application was submitted on September 19, 2017. Additional application materials were received on November 2, 2017 and November 9, 2017.

IV. RECEIVING STREAM STANDARDS

North Wastewater Treatment Plant is classified as a major municipal discharger under the federal Clean Water Act's Section 402 NPDES permit program and is assigned permit number NM0031178. The discharge is to the Rio Grande in stream segment 20.6.4.101 NMAC. This stream segment has the following designated uses: irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat, and primary contact.

V. EFFLUENT CHARACTERISTICS

The facility is currently under construction and anticipated to begin discharging in September 2018. The system is not yet operational. No pollutant analysis was included as part of the application. The draft permit requires the facility, within the first year of discharge to the Rio Grande, to sample and report pollutants listed in Table A of the draft permit. Test results shall be submitted in writing to the NPDES Permits & TMDL Branch (6WQ-P), Water Quality Protection Division, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, TX 75202-2733. Test results shall be copied to the EPA Region 6 Water Enforcement Branch and NMED. The permit will be reopened to establish effluent limitations if the pollutant(s) has a reasonable potential to cause or contribute to an excursion above New Mexico Water Quality Standards.

VI. DRAFT PERMIT RATIONALE AND PROPOSED PERMIT CONDITIONS

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

Following regulations promulgated at 40 CFR 122.44, the draft permit limits are based on either technology-based effluent limits pursuant to 40 CFR 122.44(a) or on State WQS and requirements pursuant to 40 CFR 122.44(d), whichever are more stringent.

Technology-based effluent limitations are established in the proposed draft permit for TSS, BOD_5 and percent removal for both. Water quality-based effluent limitations are established in the proposed permit for pH.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

Regulations promulgated at 40 CFR §122.44 (a) require TBELs to be placed in NPDES permits based on ELGs where applicable, on BPJ in the absence of guidelines, or on a combination of the two. In the absence of promulgated guidelines for the discharge, permit conditions may be established using BPJ procedures. EPA establishes limitations based on the following technology-based controls: BPT, BCT, and BAT. These levels of treatment are:

BPT - The first level of technology-based standards generally based on the average of the best existing performance facilities within an industrial category or subcategory.

BCT - Technology-based standard for the discharge from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and O&G.

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

The facility is a POTW treating sanitary wastewater. POTW's have technology-based ELG's established at 40 CFR Part 133, Secondary Treatment Regulation. Pollutants with ELG's established in this Chapter are BOD_5, TSS and pH. BOD_5 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, 30 mg/l for the 30-day average and 45 mg/l for the 7-day average, and 85% percent (minimum) removal, are, also, found at 40 CFR §133.102(b). ELG's for pH are between 6-9 s.u. and are found at 40 CFR §133.102(c). Regulations at 40 CFR §122.45(f)(1) require all pollutants limited in permits to have limits expressed in terms of mass such as pounds per day. When determining mass limits for POTW's, the plant's design flow is used to establish the mass load. Mass limits in Table 1 are determined by the following mathematical relationship:

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

30-day average TSS loading = 30 mg/l * 8.345 lbs/gal * 1 MGD
30-day average TSS loading = 250 lbs/day

7-day average TSS loading = 45 mg/l * 8.345 lbs/gal * 1 MGD
7-day average TSS loading = 376 lbs/day

30-day average BOD_5 loading = 30 mg/l * 8.345 lbs/gal * 1 MGD
30-day average BOD_5 loading = 250 lbs/day

7-day average BOD_5 loading = 45 mg/l * 8.345 lbs/gal * 1 MGD
7-day average BOD_5 loading = 376 lbs/day

Technology-Based Effluent Limits - 1 MGD design flow

TABLE 1: Discharge Limitations

Parameter	**30-Day Avg.**	**7-Day Avg.**	**30-Day Avg.**	**7-Day Avg.**
BOD_5	250 lbs/day	376 lbs/day	30 mg/l	45 mg/l
BOD_5, % removal [*1]	≥ 85	---	---	---
TSS	250 lbs/day	376 lbs/day	30 mg/l	45 mg/l
TSS, % removal [*1]	≥ 85	---	---	---

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

The facility will be required to maintain a log and kept at the facility showing the influent of BOD and TSS on a once per week frequency to be used to determine the removal percentage. This data is not required to be submitted but must be made available to EPA or its agents upon request.

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 of New Mexico Water Quality Standards

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC approved by EPA on June 8, 2017). The facility discharges to the Rio Grande River. This is designated as segment number 20.6.4.101. The designated uses of the receiving water require protective limits for irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat, and primary contact.

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) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criterion, the permit must contain an effluent limit for that pollutant.

All applicable facilities are required to fill out appropriate sections of the Form 2A 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.

a. pH

The State of New Mexico WQS to protect the primary contact and marginal warmwater aquatic life uses is specified in 20.6.4.900.D NMAC and requires pH to be between 6.6 and 9.0 s.u. This is more limiting than the technology-based limits presented earlier. The draft permit shall establish 6.6 to 9.0 s.u. for pH based on the State's WQS. The monitoring frequency will remain daily as an instantaneous grab (field measurement) sample.

b. Bacteria

New Mexico WQS for E. coli bacteria are specified in 20.6.4.900.D NMAC. The NMWQS designed to protect the primary contact use requires a monthly geometric mean E. coli limit of 126 cfu/100 mL or less and a single sample E. coli limit of 410 cfu/100 ml or less. Due to the TMDL on the receiving waterbody, the WLA of will be applied. See more of a description in the 303(d) List Impairments section.

c. Dissolved Oxygen

The low flow or 4Q3 of the receiving stream which was provided by NMED is zero (0). No modeling to evaluate the biochemical oxygen demand of the discharge was conducted. Since 4Q3 is zero, the discharge must meet end-of-pipe criteria.

d. Toxics

1) 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. The state establishes 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.

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:

$$CD = Q_e/(F \cdot Q_a + Q_e)$$

where:

Q_e = facility design flow (1 MGD)
Q_a = critical low flow of the receiving waters (0 MGD)
F = fraction of stream allowed for mixing (1.0)

$$CD = (1.0 \text{ MGD}/[(1.0)(0 \text{ MGD}) + 1.0 \text{ MGD}])*100 = 100\%$$

The critical dilution shall be 100%.

2) Total Residual Chlorine (TRC)

The facility uses ultraviolet light to treat E. coli. The facility does not have a chlorination treatment system as a backup. However, it may be possible that chlorine may be used for maintenance, or other purposes in the future. These usages may cause chlorine to be in the facility discharge. In the unlikely event that chlorine may be used, there, however, will be a permit requirement that will limit its discharge during those times. This will be through a specific chemical limitation. The implementation to protect NMWQS from chlorine toxicity is to limit chlorine as "no measurable amount". Specifically, after de-chlorination and prior to final disposal, the effluent shall contain "NO MEASUREABLE" total residual chlorine at any time. "NO MEASUREABLE" will be defined as no detectable concentration of TRC as determined the minimum quantification level of TRC becomes less than 0.011 mg/L, then 0.011 mg/L shall become the effluent limitation. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.

3) Reasonable Potential – The State of New Mexico

The Clean Water Act in Section 301 (b) requires that effluent limitations for point sources include any limitations necessary to meet water quality standards. Federal regulations found at 40 CFR §122.44 (d) state that if a discharge poses the reasonable potential to cause an in-stream excursion above a water quality criterion, the permit must contain an effluent limit for that pollutant.

All applicable facilities are required to fill out appropriate sections of the Form 2A, 2S or 2E, 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. Due to the information supplied in the application, the Agency has determined that no reasonable potential exist for this discharge to violate applicable NMWQS for the protection of irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat, and primary contact, beyond pH, E. coli and the potential use of chlorine discussed above.

4) 303(d) List Impairment

The 2016-2018 State of New Mexico CWA §303(d) / §305(b) Integrated Report identifies the receiving stream segment no, 20.6.4.101 of the Rio Grande is not supporting for primary contact and irrigation uses due to E. coli and boron problems, respectively. In accordance with the EPA

approved total maximum daily load (TMDL), the monthly geometric mean of E. coli 126 cfu/100 ml and single maximum 410 cfu/100 ml are established. Because the waste load allocation (WLA) assigned to the old facility was based on the design flow of 0.53 MGD, the draft permit proposes to include the monthly average mass load for E. coli based on the WLA, 2.53×10^9 cfu/day, in the permit. No additional load is given to the increased flow. The mid-point flow was used to calculate the WLA, so the permittee shall use the monthly average effluent flow to calculate the mass load. The discharge shall meet both concentration and mass limitations. The draft permit, also, proposes to include monitoring requirements for Total Recoverable Boron.

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 the March 2012, NMIP. Flow is proposed to be monitored continuously using a totalizing meter. E. coli bacteria, BOD_5 and TSS, are proposed to be sampled once per week. Sample type for BOD_5, and TSS is 6-Hr composite. Meanwhile, grab sample is for E. coli bacteria. The parameters TSS and BOD_5 percent removal calculations are required once per week. The monitoring frequency of daily and grab sample are for pH. Both Total Recoverable Boron and Dissolved Arsenic are proposed to be monitored once per month with grab samples.

E. Whole Effluent Toxicity Limitations

The State has established narrative criteria, which in part state that:

"...surface waters of the state shall be free of toxic pollutants from other than natural causes in amounts, concentrations or combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or that will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish and other aquatic organisms to levels that will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers of aquatic organisms...." (NM WQS Section 20.6.4.13.F.)

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. Due to current classification of receiving stream (perennial), effluent dominated receiving stream (4Q3 = 0 cfs and 100% CD), aquatic life protection and existing reasonable potential, the draft permit proposes that the permittee to conduct a 7-day chronic test for *Ceriodaphnia dubia* and *Pimephales promelas* at a once per quarter. During the first year, if all four tests pass both the lethal and sub-lethal test endpoints then the permit may allow a frequency reduction of once per six-month for *Ceriodaphnia dubia* only. Any failure shall re-establish all tests for the *Ceriodaphnia dubia* test species to once per quarter for the remainder of the permit. The *Ceriodaphnia dubia* test species shall resume monitoring at a once per quarter frequency on the last day of the permit.

The critical condition is 100%. The proposed permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests based on a 1 dilution series. These additional effluent concentrations shall be 32%, 42%, 56%, 75%, and 100%.

The permittee shall conduct separate whole effluent toxicity tests in accordance to Table2.

TABLE 2: Whole Effluent Toxicity Testing

WHOLE EFFLUENT TOXICITY (7-day Static renewal) 1/	**30-DAY AVG MINIMUM**	**7-DAY AVG MINIMUM**	**MEASUREMENT FREQUENCY**	**SAMPLE TYPE**
Pimephales promelas	Report	Report	Once/Quarter	24-Hr Composite
Ceriodaphnia dubia	Report	Report	Once/Quarter	24-Hr Composite

FOOTNOTE:
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.

VII. FACILITY OPERATIONAL PRACTICES

A. SEWAGE SLUDGE

The permittee shall use only those sewage sludge disposal or reuse practices that comply with the federal regulations established in 40 CFR Part 503 "Standards for the Use or Disposal of Sewage Sludge". EPA may later issue a sludge-only permit. Until such future issuance of a sludge-only permit, sludge management and disposal at the facility will be subject to Part 503 sewage sludge requirements. Part 503 regulations are self-implementing, which means that facilities must comply with them if 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 applicant identified no non-categorical Significant Industrial User’s (SIU) and no Categorical Industrial User's (CIU) in the permit application. 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 Section307(b) of the CWA and 40 CFR Part 403.

D. OPERATION AND REPORTING

The applicant is required to operate the treatment facility at maximum efficiency at all times; to monitor the facility's discharge on a regular basis; and report the results monthly. Reporting requirements and the requirement of using EPA-approved test procedures (methods) for the analysis and quantification of pollutants or pollutant parameters are contained in 40 CFR 122.41(l) and 40 CFR 122.21 (e), respectively. As required by 40 CFR 127.16, all Discharge Monitoring Reports (DMRs) shall be electronically reported. The monitoring results will be available to the public.

VIII. ANTIDEGRADATION

The NMAC, Section20.6.4.8 "Antidegradation Policy and Implementation Plan" sets forth the requirements to protect designated uses through implementation of the State water quality standards. The limitations and monitoring requirements set forth in the proposed permit are developed from the State water quality standards and are protective of those designated uses.

Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The permit requirements and the limits are protective of the assimilative capacity of the receiving waters, which is protective of the designated uses of that water, NMAC Section 20.6.4.8.A.2.

Additional sampling and reporting requirements are incorporated in the draft permit to provide effluent quality data from the facility discharge that will not be available until the facility is operational. The permittee submitted to NMED sampling data from the Sunland Park WWTP (Permit# NM0029483) as the representative sampling data for the antidegradation review by the State. However, the State requires that within the first year of operation, the effluent data from the actual discharge of this facility be submitted for the final Antidegradation review.

VIII. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet anti-backsliding provisions of the Clean Water Act, Section 402(o) and 40 CFR §122.44(l)(i)(A), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation.

IX. ENDANGERED SPECIES CONSIDERATIONS

The environmental review process, which is documented by Environmental Assessment, indicates that no potential significant adverse impacts to biological resources are anticipated from the proposed project.

X. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The environmental review process, which is documented by Environmental Assessment, indicates that no potential significant adverse impacts to archaeological, historical, architectural, or cultural resources are anticipated from the proposed project.

XII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of the New Mexico WQS are revised or remanded. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing a State's WQS are either revised or promulgated. Should either New Mexico adopt a new WQS, and/or develop or amend a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard and/or water quality management plan, in accordance with 40 CFR 122.44(d). Modification of the permit is subject to the provisions of 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 Application Form 2A and addendum were received on September 19, 2017 and November 9, 2017, respectively.

B. 40 CFR CITATIONS

§§ 122, 124, 125, 127, 131, 133, 136

C. MISCELLANEOUS

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC approved by EPA on June 8, 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.