NPDES PERMIT NO. NM0020311

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

APPLICANT

City of Roswell Wastewater Treatment Facility
P.O. Box 1838
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ISSUING OFFICE

U.S. Environmental Protection Agency
Region 6
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PREPARED BY

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DATE PREPARED

September 4, 2019

PERMIT ACTION

Proposed reissuance of the current NPDES permit issued May 23, 2018, with an effective date of June 1, 2018 and an expiration date of October 31, 2018.

RECEIVING WATER – BASIN

Outfall 001 to Rio Hondo thence to Pecos River in Segment No. 20.6.4.206 of the Pecos River Basin

Outfall 002 to Berrendo Creek thence to Rio Hondo thence to Pecos River in Segment No. 20.6.4.206 of the 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 once every three years
BAT	best available technology economically achievable
BCT	best conventional pollutant control technology
BPT	best practicable control technology currently available
BOD5	five-day biochemical oxygen demand
BPJ	best professional judgment
CD	critical dilution
CFR	Code of Federal Regulations
cfs	cubic feet per second
cfu	colony forming units
CWA	Clean Water Act
DMR	discharge monitoring report
ELG	effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FWS	United States Fish and Wildlife Service
GM	geometric mean
lbs	pounds
ug/L	micrograms per litter (one part per billion)
mg/L	milligrams per liter (one part per million)
MGD	million gallons per day
NAICS	North American Industry Classification System
ND	non-detect
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	publicly owned treatment works
RP	Reasonable Potential
STORET	EPA Storage and Retrieval Database
su	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
WET	whole effluent toxicity
WLA	Waste Load Allocations
WQS	water quality standards
WWTP	wastewater treatment plant

1. CHANGES FROM THE PREVIOUS PERMIT

- Electronic DMR reporting requirements have been included
- Language on the Sufficiently Sensitive Methods has been established
- Ammonia monitoring has been removed, Nitrogen and phosphorous monitoring requirements have been included
- DO limit and a three year compliance schedule has been established to address DO model results
- BOD limits have been updated to address DO model results

2. APPLICANT LOCATION and ACTIVITY

As described in the application the facility is located at 2306 East College Boulevard, in the City of Roswell, in Chavez County, New Mexico. The Outfalls are located at the following coordinates:

Outfall 001: Latitude 33E 24' 37" N, Longitude 104E 28' 45" W
Outfall 002: Latitude 33E 24' 50" N, Longitude 104E 27' 40" W
Outfall 101: internal monitoring location

Under the Standard Industrial Classification (SIC) Code 4952, the applicant operates a municipal wastewater treatment facility equivalent to a POTW. The facility has a design flow capacity of 7.0 MGD (7,000,000 gallons per day) serving a population of 48,000. The WWTP primarily consists of lift stations, screens, a grit chamber, clarifiers, aeration basins, and a UV treatment system before being discharged to the Rio Hondo & Berrendo Creek in the Pecos River Basin. All sludge generated is composted using the static windrow method. Sludge in the drying bed is allowed to dry to a minimum of 50% solid before windrowing.

3. EFFLUENT CHARACTERISTICS

A quantitative description of the discharge(s) described in the EPA Permit Application Form 2A received June 21, 2019, is presented in Table 1 below:

Table 1 EPA NPDES Application Form 2A – for outfalls 101, 001 & 002

Parameter (mg/L unless noted)	Max	Average
Flow, MGD	4.73	3.23
Temperature, winter	19.7˚C	n/a
Temperature, summer	27.1˚C	n/a
pH, minimum, s.u.	7.11	n/a
pH, maximum, s.u.	7.39	n/a
BOD5	3	3
E.Coli (CFU/100)	63	19
TSS	3	3
Ammonia (as N)	12.9	6.44
TRC	0	n/a

DO	2.66	1.95
TKN	13.3	7.33
Nitrate plus nitrite nitrogen	11.6	6.86
Oil & Grease	ND	ND
TDS	1710	1487

The complete list of pollutants tested is found at Appendix D of the Fact Sheet.

This wastewater treatment facility currently receives waste from remedial activities. A list of the CERCLA (superfund) wastewater, RCRA remediation/ corrective action wastewater and other remedial activity wastewater listed in the table below.

Table 2.

Site Location	Waste Origin	Pollutants	Waste Treatment
501 N Main St	Hydrocarbon contamination from leaking underground storage tank Proposed processing through air stripper – treated water discharged to municipal sewer	Benzene, touluene, ethelybenzene, total xylene, total Naphthalene	Removal greater than 99.0% via air stripper
McGaffey at Main 1100 Block of South Main St.	Ground Water Plume(s) originating from one or more inactive dry cleaner facilities	Benzene, touluene, ethelybenzene, total xylene, total Naphthalene and PCE	Preliminary design activities for a vapor intrusion mitigation system designed to capture PCE contaminated subsurface vapors present. Treated vapors will be vented to the atmosphere

This wastewater treatment facility currently receive waste from industrial user dischargers that use an approved pretreatment program. A list of the industrial pretreated discharge wastewater is listed in the table below.

Table 3.

Name/Address	Industrial Process	Max Discharge	Principal Products	Classification
Christmas by Krebs 3911 S. Main St 88203	Manufactures glass ornaments	24,000 batch discharge/day	5	SIU – Metal Finisher 433.17
Dean Baldwin Painting, Inc. 82 West Earl Cummings Loop Roswell NM 88203	Aircraft stripping & painting	24,000 batch discharge/day	Aircraft stripping & painting	SIU – Metal Finisher 433.17

Table 4.
A summary of the violations 2-years compliance monitoring history for NPDES Permit NM0020311.

Dates of Violation	Parameter	Violation
4/30/19	WET (at Outfalls 001 & 101)	Test Failure
1/31/19	pH (at Outfalls 001)	Exceedance of pH min
12/31-1/15/18	TRC (at Outfalls 001 & 101)	Failure to report
1/31-2/15/18	TRC (at Outfalls 001, 002 &101)	Failure to report
11/30-12/15/18	TRC (at Outfalls 001 & 101)	Failure to report
12/31-1/15/19	TRC (at Outfalls 001 & 101)	Failure to report
1/31-2/15/19	All (at Outfalls 001 & 101)	Failure to report
2/28-3/15/19	TRC (at Outfalls 001 & 101)	Failure to report

For reporting period 01/01-03/31/19 & 4/1-6/30/19 the facility was in significant non-compliance for a failure to report and submit DMRs.

4. 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.

It is proposed that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a). The previous permit expired October 31, 2018. EPA received the complete NPDES application on June 21, 2019. The existing permit is administratively continued until this permit is issued.

5. 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 BOD5.

Water quality-based effluent limitations are established in the proposed draft permit for *E. coli* bacteria, pH, TRC, total nitrogen, total phosphorous and WET.

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 BOD5, 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.

The facility is a POTW/POTW-like 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, 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). For the draft permit, all limits are maintained, except for BOD, which has been limited to 20 mg/L (7 day average) and 16 mg/L (30 day average) due to dissolved oxygen model results. In addition, a DO limit of 4.1mg/L (30 day average) has been established.

Regulations at 40 CFR §122.45(f)(1) specifically states: all pollutants limited in permits to have limits expressed in terms of mass such as pounds per day. When determining mass limits for POTW's, the plant's design flow is used to establish the mass load. Mass limits are determined by the following mathematical relationship:

Loading in lbs/day = pollutant concentration in mg/l * 8.34 conversion factor * design flow in MGD

30-day average BOD5 loading = 16 mg/l * 8.34 conversion factor * 7.0 MGD
30-day average BOD5 loading = 934 lbs/day
30-day TSS loading = 30 mg/l * 8.34 conversion factor * 7.0 MGD
30-day average TSS loading = 1751 lbs/day
7- day average BOD5 loading = 20 mg/l * 8.34 conversion factor * 7.0 MGD
7-day average BOD5 & TSS loading = 1168 lbs/day
7-day TSS loading = 45 mg/l * 8.34 conversion factor * 7.0 MGD
7-day average TSS loading = 2627 lbs/day

BOD limit 16mg/L (30 day average) and 20 mg/L(7 day average) has been placed in the permit as the result

of the dissolved oxygen model. Please see water quality based limitations below for more information.

A summary of the technology-based limits for the facility is: Technology-Based Effluent Limits – 7.0 MGD design flow.

Effluent Characteristics	Discharge Limitations		Discharge Limitations	
	lbs/Day		mg/L (unless noted)	
Parameter	30-Day Avg.	7-Day Avg.	30-Day Avg.	7-Day Avg.
BOD5 (lbs/day)	934	1168	16*	20*
BOD5, % removal, min	≥ 85%	---	---	---
TSS (lbs/day)	1751	2627	30	45
TSS, % removal, min	≥ 85%	---	---	---

*** Water quality based limitations that are a result of the dissolved oxygen model. See below for more information**

B. WATER QUALITY BASED LIMITATIONS

a. 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.

b. 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.

c. State Water Quality Standards

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC effective on August 11, 2017). The discharge from Outfall 001 flows into Rio Hondo thence to Pecos River in segment number 20.6.4.206 of the Pecos River Basin. Discharges from Outfall 002 flow into Berrendo Creek thence to Rio Hondo to Pecos River in segment number 20.6.4.206 of the Pecos River Basin. The designated uses for this segment, 20.6.4.206, include: irrigation, livestock watering, wildlife habitat, secondary contact and warm water aquatic life.

d. 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:

1) pH

For warmwater aquatic life and primary contact, criteria for pH is between 6.6 and 9.0 s.u. pursuant to 20.6.4.900.D and H(6) NMAC.

2) Bacteria

For secondary contact, criteria for E. Coli bacteria is a montly geometric mean of 548 cfu/100 mL and a daily maximum of 2507 cfu/100 mL pursuant to 20.6.4.900 NMAC. These limits are maintained from the previous permit.

3) Ammonia

The draft permit will eliminate ammonia and in place will include quarterly Total Nitrogen (TN) monitoring.

4) TP & TN

Since the design flow rate of the WWTP is 7.0 MGD and the facility is designated as a major POTW, this draft permit will include TP & TN monitoring on a quarterly basis.

5) Dissolved Oxygen

An evaluation of the permittee's impact on the receiving water dissolved oxygen was completed as part of the permitting process. A steady state model (LA-QUAL) was used to evaluate the biochemical oxygen demand of the discharge and associated constituents including ammonia. A complete characterization of the receiving water was not available. Certain parameters, including flow, were available and were utilized. However, the receiving water model also used default values to estimate the various unavailable hydrodynamic and water quality parameters. The discharge was modeled using data obtained from the application, permits limits and defaults were used for unavailable discharge characterization data.

The State of New Mexico WQS criterion applicable to the warmwater aquatic life designated use requires dissolved oxygen of 5.0 mg/l or more. The evaluation demonstrated that the discharge would cause an excursion of the standard of 5 mg/L. As a result, a DO limit of 4.1 mg/L & a BOD limit 16mg/L (30 day average) and 20 mg/L(7 day average) has been placed in the permit. The model indicates that these limits will be protective of the designated uses and ensure a minimum DO of 5.0 mg/L is reached. A three year compliance period for dissolved oxygen has been included in the draft permit. The permittee shall submit quarterly progress reports during this time-period to address the progress towards compliance with the final effluent limitations

The output file is attached.

6) 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, "publicly owned treatment works" but also to facilities that are similar to POTWs, but which do not meet the regulatory definition of (like privately owned sanitary wastewater treatment facility, 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 by EPA NPDES as a major POTW for permitting purposes and must supply the expanded pollutant testing list described in EPA Application Form 2A as presented above in Effluent Characteristics of this Fact Sheet.

Based on the pollutant data provided by the facility and shown in Part IV of this Fact Sheet, a water quality screen has been run to determine if discharged pollutant concentrations demonstrate RP to exceed WQS for the various designated uses. If RP exists, the screen would also calculate the appropriate permit limit needed to be protective of such designated uses. The screen is based on the NMIP as of March 15, 2012. The receiving stream hardness value, 20 mg/L, represents the default values, and it was used in the screen for any hardness-dependent WQS. The water quality screen is included in the Fact Sheet.

There were no pollutants that demonstrated RP to violate WQS consistent with the designated uses for the receiving water.

ii. Critical Conditions

Critical conditions are used to establish certain permit limitations and conditions. 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. The SWQB of the NMED provided EPA with the 4Q3 for the City of Roswell WWTP.

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 (7.0 MGD)
Qa = critical low flow of the receiving waters (0.78 MGD)
F = fraction of stream allowed for mixing (1.0)

$CD = 7.0 \text{ MGD}/[(1.0)(0.78) + 7.0]$
$= 0.90$

According to the NMIP, it is determined that this facility is to receive chronic biomonitoring requirements at a critical dilution of 90%.

7) TRC

The application indicates that the facility uses ultraviolet (UV) light for bacteria control. TRC limitations will be continued in the draft permit when chlorine is either used as a back-up system and/or when chlorine is used to disinfect plant equipment. The draft permit proposes to use the same limit as in the previous permit 11 ug/l. The permit directs the TRC limit to be applicable when chlorine is used for bacteria control and/or cleaning.

8) 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 15, 2012, Procedures for Implementing NPDES Permits in New Mexico (NMIP). Flow shall be monitored daily using a totalized meter. E.coli shall be monitored five times per week using grab samples. pH shall be monitored daily using grab samples. The other parameters – BOD5 and TSS – shall be monitored five times per week using 12-hour composite samples. When chlorine is used in any process throughout the plant, total residual chlorine (TRC) shall be sampled daily using instantaneous grab samples. Regulations at 40 CFR Part136 define instantaneous grab as being analyzed within 15 minutes of collection. TP & TN shall be monitored on a quarterly basis. When WET biomonitoring takes place, TP and TN should be monitored at the same time and place that WET samples are collected for that quarter. Dissolved Oxygen shall be monitored five times per week using 12-hour composite samples.

Parameter	Frequency	Sample Type
Flow	Daily	Totalized Meter
BOD5 (lbs/day)	Five/Week	12C*
% removal, min	One/Week	---
TSS	Five/Week	12C*
E. Coli Bacteria	Five/Week	Grab
pH	Daily	Instantaneous Grab
Dissolved Oxygen	Five/Week	Grab
TRC	Daily	Instantaneous Grab
Nitrogen, total	Once/Quarter	12C*
Phosphorous, total	Once/Quarter	12C*

*12C – 12 hour composites

C. Whole Effluent Toxicity

In Section E.3.d.3) iii above; “Critical Conditions”, it was shown that the critical dilution, CD, for the facility is 90%. Based on the nature of the discharge; POTW, the design flow; more than 1.0 MGD, the nature of the receiving water; perennial, and the critical dilution; 90%, the NMIP directs the WET test to be a 7 day chronic test using *Ceriodaphnia dubia* and *Pimephales promelas* at a once per three-month frequency consistent with the NMIP. The test series will be 0% (control), 28%, 38%, 51%, 68%, and 90%. The critical dilution has been increased from 89% in the previous permit to 90% in the proposed permit due to the current 4Q3.

The results from all previous tests conducted during the last permit cycle are attached. Reasonable potential still exists for this facility, therefore, WET limits will be continued in the proposed permit for both species at 90% critical effluent dilution.

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 101 thence to Outfall 001 and Outfall 002. Discharges shall be limited and monitored by the permittee as specified below:

Final Effluent Limits – 7.0 MGD design flow.

WHOLE EFFLUENT TOXICITY LIMITS (7-Day Chronic Static Renewal/ NOEC) *	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	90%	Once/Quarter	24-Hr Composite
Pimephales promelas	90%	Once/Quarter	24-Hr Composite

*1 Compliance with the WET limitation is required on the effective date of this permit. See Part II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.

6. FACILITY OPERATIONAL PRACTICES

SEWAGE SLUDGE

The permittee shall use only 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". The Specific requirements in the permit apply as a result of the design flow of the facility, the type of waste discharged to the collection system and the sewage sludge disposal or reuse practice utilized by the treatment works. The permittee shall submit an annual Sludge Status report in accordance with NPDES Permit NM0020311, Part I and Part IV.

The City of Roswell sludge is treated through anaerobic digestion. All sludge generated is composted. All of the sludge produced at the treatment plant is currently given away to the public.

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.

INDUSTRIAL WASTEWATER CONTRIBUTIONS

The treatment plant has two (2) non-categorical Significant Industrial User's (SIU) and no Categorical Industrial User's (CIU). The facilities, their services process employed, process and non-process water flow rates and raw products are shown in Table 4 of the Fact Sheet.

The facility operates an industrial pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR 403) and the approved pretreatment program submitted by the permittee. The pretreatment program was originally approved on March 20 1985, and last modified on June 1, 2018. Contributions to the wastewater treatment plant will be limited according to the requirements detailed in Part II Section A of the proposed permit.

OPERATION AND REPORTING

Electronic Reporting Rule

The EPA published the electronic reporting rule in the federal register (80 FR 64063) on October 22, 2015. The rule became effective on December 21, 2015. One year after the effective date of the final rule, NPDES regulated entities that are required to submit DMRs (including majors and non-majors, individually permitted facilities and facilities covered by general permits) must do so electronically. All DMRs shall be electronically reported effective December 21, 2016, per 40

CFR 127.16. If you are submitting on paper before December 21, 2016, you must report on the Discharge Monitoring Report (DMR) Form EPA. No. 3320-1 in accordance with the "General Instructions" provided on the form. No additional copies are needed if reporting electronically, however when submitting paper form EPA No. 3320-1, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA and other agencies as required. (See Part III.D.IV of the permit.). To submit electronically, access the NetDMR website at www.epa.gov/netdmr and contact the R6NetDMR@epa.gov in-box for further instructions. PA and authorized NPDES programs will begin electronically receiving these DMRs from all DMR filers and start sharing these data with each other.

Sufficiently Sensitive Analytical Methods (SSM)

The permittee must use sufficiently sensitive EPA-approved analytical methods (SSM) (under 40 CFR part 136 or required under 40 CFR chapter I, subchapters N or O) when quantifying the presence of pollutants in a discharge for analyses of pollutants or pollutant parameters under the permit. In case the approved methods are not sufficiently sensitive to the limits, the most SSM with the lowest method detection limit (MDL) must be used as defined under 40 CFR 122.44(i)(1)(iv)(A). If no analytical laboratory is able to perform a test satisfying the SSM in the region, the most SSM with the lowest MDL must be used after adequate demonstrations by the permittee and EPA approval.

7. 303(d) LIST

In New Mexico’s 2016-2018 CWA §303(d) / 305(b) Integrated List, Rio Hondo (Perennial part Pecos R to North Spring R) is not listed as being impaired. The standard reopener language in the permit allows additional permit conditions if warranted by future changes and/or new TMDLs. No additional pollutants are listed for this waterbody.

8. ANTIDEGRADATION

The State of New Mexico has antidegradation requirements to protect existing uses through implementation of NMWQS. 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.

9. 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. Effluent Toxicity has changed from 89% to 90% based on the 4Q3 and harmonic mean. The proposed permit either maintains or includes more stringent limits for all parameters.

10. ENDANGERED SPECIES CONSIDERATIONS

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, http://www.fws.gov/southwest/es/EndangeredSpecies/lists/, there are twelve species listed as either threatened or endangered: Least Tern, Piping Plover, Pecos Bluntnose Shiner, Pecos Gambusia, Koster's Springsnail, Pecos Assiminea Snail, Roswell Springsnail, Noel's Amphipod, Kuenzler Hedgehog Cactus, Pecos Sunflower, and Wright's Marsh Thistle. 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. The draft permit is consistent with the States WQS and does not increase pollutant loadings.
2. Reissuance of this permit will not result in the destruction or adverse modification of habitat, as no construction activities are planned.
3. EPA determines that Items 1, thru 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.

11. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit should not have an impact on historical and/or archeological sites since no construction activities are planned in the reissuance.

12. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if State or downstream Tribal water quality standards are promulgated or revised. In addition, if the State or downstream Tribes 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.

13. VARIANCE REQUESTS

No variance requests have been received.

14. 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 Regional Director of the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service prior to the publication of that notice.

15. FINAL DETERMINATION

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

16. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

APPLICATION(s)

Complete EPA Application Form 1 & 2A received June 21, 2019

40 CFR CITATIONS

Citations to 40 eCFR are as of June 30, 2019
Sections 122, 124, 125, 130, 133, 136, 261, 403

STATE OF NEW MEXICO REFERENCES

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, effective August 11, 2017.

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

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