NPDES PERMIT NO. NM0020770
FACT SHEET

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

APPLICANT

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ISSUING OFFICE

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DATE PREPARED

July 1, 2020

PERMIT ACTION

Renewal of a permit previously issued on September 26, 2014 with an effective date of November 1, 2014, and an expiration date of October 31, 2019.

RECEIVING WATER – BASIN

San Juan River – San Juan 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
MQL	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 on September 26, 2014 with an effective date of November 1, 2014, and an expiration date of October 31, 2019 are as follow:

- Electronic DMR reporting requirements have been included.
- Language on the Sufficiently Sensitive Methods has been established.
- Design flow has been increased to 0.93 MGD at the request of the permittee.
- BOD and TSS loadings have been updated to reflect increased design flow.
- Critical dilution and dilution series has been updated to reflect increased design flow.
- TRC limit has been corrected to 19 ug/l.
- BOD TSS and TDS sample types have been updated to 24 hours at the request of the permittee.

II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility (Latitude 36° 43' 42" N and Longitude 107° 57' 00" W) is located at 1176 South Church Street, San Juan County, New Mexico.

Under the SIC code 4952, the applicant operates City of Bloomfield WWTP, which has a design flow of 0.93 MGD providing sanitary services for approximately 7400, including one significant industrial user. Bfacility mainly consists of head works, aeration basins, clarifiers and chlorine contact chamber. Effluent is disinfected with chlorine and dechlorinated before discharged to San Juan River through an enclosed pipe, approximate 1/8 mile in length. Sludge is processed on-site and then disposed at San Juan Regional Landfill. A facility location map is attached.

III. EFFLUENT CHARACTERISTICS

Effluent data submitted in application Form 2A is as follows:

Table 1.

Parameter	**Max**	**Avg**
	(mg/l unless noted)	
Flow (MGD)	0.67	1.07
pH, minimum, standard units (su)	6.62	N/A
pH, maximum, standard units (su)	7.99	N/A
Temperature (C), winter	10.90	10.00
Temperature (C), summer	23.70	22.10
Biochemical Oxygen Demand, 5-day (BOD_5)	21.00	8.50
Total Suspended Solids (TSS)	74.60	5.10
E. coli (cfu/100 ml)	613	19.9
Ammonia (as N)	8.80	6.50
TRC	1.26	0.00
DO	9.00	7.17
Total Kjeldahl Nitrogen (TKN)	8.00	7.80
Nitrate + Nitrite Nitrogen	5.80	4.70
Oil & Grease	3.54	3.54
Phosphorus (Total)	1.30	1.25
TDS	527.00	492.00

An Administrative Order was issued in June 2017.Violations were as follows: Ineffective aeration basins. Less than optimal aerobic treatment. Structural issues including cracks in the concrete, crumbling concrete, and structural rebar showing throughout all treatment units. Rust and deterioration, leakage, and heavy wearing in treatment unit motors. Improper treatment in the chlorine contact chamber and green effluent indicating improper treatment. Compliance orders included structural repairs of the WWTP, a construction plan to address operation and maintenance defects and rehabilitation of primary treatment and chlorination, a comprehensive asset management plan for sustainable infrastructure, completion of phase I construction which includes repairs to concrete structural repairs by December 2019 and completion of phase II construction which includes primary treatment upgrades and chlorination system improvements by December 2024.

In addition, A preliminary engineering report developed in 2018 recommended that most of the entire WWTP be replaced. In the last three years, the facility has had 9 exceedances of prescribed limits. There was a total of two exceedances of TRC limits and seven exceedances of E. Coli limits.

This wastewater treatment facility currently receives waste from an industrial user. The user is listed in the table below.

Table 2.

Name/Address	Industrial Process	Avg Discharge	Principal Products	Raw Materials
Enterprise Field Services 614 Reilly Ave 87401	Use of water to cool down boilers	63,000 gpd	Cooling Tower Water	Water, Salts & Chlorides

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 initial application was received May 2, 2019 and was deemed incomplete. Additional information was received on subsequent dates and the application was deemed complete on January 9, 2020. 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, TRC and TDS.

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 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). The draft permit establishes limits for percent removal for both BOD and TSS.

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:

Loading in lbs/day = pollutant concentration in mg/l * 8.345 (lbs)(l)/(mg)(MG) * design flow in MGD

30-day average BOD/TSS loading = 30 mg/l * 8.345 (lbs)(l)/(mg)(MG) * 0.93 MGD = 233 lbs/day
7-day average BOD/TSS loading = 45 mg/l * 8.345 (lbs)(l)/(mg)(MG) * 0.93 MGD = 349 lbs/day

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

Effluent Characteristic	**Discharge Limitation**			
	lbs/day, unless noted		mg/l, unless noted	
Parameter	30-day Avg	7-day Max	30-day Avg	7-day Max
BOD	233	349	30	45
BOD, % removal[1]	≥ 85	---	---	---
TSS	233	349	30	45
TSS, % removal	≥ 85	---	---	---
pH	N/A	N/A	6.0 to 9.0 s.u.	

[1] % 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 on September 12, 2018). The discharge is to San Juan River Basin (20.6.4.408 NMAC). The designated uses of the receiving water are public water supply, industrial water supply, irrigation, livestock watering, wildlife habitat, primary contact, marginal coldwater aquatic life and warmwater aquatic life.

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 marginal 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.

b. Bacteria

For primary contact, criteria for E. coli bacteria is at 126 cfu/100 ml monthly geometric mean and 410 cfu/100 ml daily maximum pursuant to 20.6.4.900.D NMAC.

c. TP & TN

Since the facility is designated as a major POTW, this draft permit will include TP & TN monitoring on a quarterly basis.

d. 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 not cause an excursion of the standard of 5 mg/L. As a result, no DO limits have been placed in the draft permit. The output file is attached.

f. 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 Federal Register.

EPA previously classified this facility as a "discretionary major" POTW. At this time, the "discretionary major" status remains unchanged. The facility 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 water quality screen is included in the Fact Sheet.

None of the pollutants demonstrate RP to violate WQS consistent with the designated uses for the receiving water

a. 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 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 SWQB of the NMED provided EPA with the 4Q3 of 113 cfs (73.03 MGD).

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/(FQa + Qe), where:

Qe = facility design flow (.93 MGD)
Qa = critical low flow of the receiving waters (73.03 MGD)
F = fraction of stream allowed for mixing (1.0)

CD = .93 MGD/ [(1.0) (73.03) + .93]
= 0.01257
= 1.257 %

b. TRC

The WQS for TRC is 11 µg/l for chronic conditions and 19 µg/l for acute. Since acute conditions do not allow dilution; the limit must be met at end-of-pipe, but chronic standards do allow dilution, the permit shall use the most stringent WQS for the permit limit. CD was calculated 1.257%. The in-stream TRC concentration after allowing for dilution is; 11 µg/l ÷ .01257= 875.1 µg/l. Since this value is more than the 19 µg/l end-of-pipe acute standard, the 19 µg/l is more stringent and will be more protective. The draft permit shall maintain the 19 µg/l limit in the previous permit.

g. Total Dissolved Solids – Colorado River Salinity Control Program

The discharge to the San Juan River is part of the Colorado River Basin where a basinwide Colorado River Salinity Control Program (CRSP) was established by EPA in December 1974. NMED has incorporated the CRSP by reference into their WQS. "The objective of the policy, as provided in Sections I.A. and I.B., is to achieve "no salt return" whenever practicable for industrial discharges and an incremental increase in salinity over the supply water for municipal dischargers." A limitation for Total Dissolved Solids (TDS) is established in accordance with the Salinity policy and program outlined in the report "1999 Review, Water Quality Standards for Salinity, Colorado River System." The policy establishes that the incremental increase in salinity shall be less than 400 mg/l, which is considered to be a reasonable incremental increase above the flow weighted average salinity of their intake water supply. The draft permit establishes quarterly monitoring of the discharge and intake water supply with a limit for the net difference not to exceed 400 mg/L (same as before), consistent with the CRSP.

D. MONITORING FREQUENCY FOR 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). EPA established the monitoring frequency based on Table 9 (page 34 of the NMIP) for design flow between 0.5 and 1.0 MGD and history compliance.

Parameter	Frequency	Sample Type
Flow	Daily	Totalized Meter
pH	5/week	Instantaneous Grab
BOD_5	1/week	24-hr Composite
TSS	1/week	24-hr Composite
% Removal	1/month	Calculation
TRC	5/week	Instantaneous Grab
E. coli Bacteria	1/week	Grab
TDS	1/month	24-hr Composite
Grease*	3/month	Observation
Nitrogen, total	1/month	24-hour Composite
Phosphorous, total	1/month	24-hour Composite
Floating solid*	3/month	Observation

* Permittee must report whether or not it presents after effluent passes the discharging pipe.

E. WHOLE EFFLUENT TOXICITY

Biomonioring is the most direct measure of potential toxicity which incorporates both the effects of synergism of effluent components and receiving stream water quality characteristics Biomonitoring requirements are proposed in the draft permit because of the reported effluent TDS concentration data. The discharge could have a potential for 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. The receiving water (San Juan River), a perennial stream currently has a 4Q3 of 113 cfs. The 4Q3 is based on data from the USGS Gauge 09355500. Submitted data show no RP exist, therefore no limit is needed.

The facility's design flow is 0.93 MGD (1.4 cfs) and the applicable 4Q3 is 113 cfs. The initial dilution is calculated to be 1.257% which is less than 10%. When the critical dilution is equal to or less than 10%, the procedures in the NTIG-WET plan provide that in lieu of the more expensive 7-day chronic test, a

48-hour acute test may be run using a 10:1 acute to chronic ratio; 12.57% rounded to the nearest whole number 13%.

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 must be 5%, 7%, 10%, 13%, and 17%. The low-flow effluent concentration (critical low-flow dilution) is defined as 13% effluent. The permittee shall limit and monitor discharge(s) as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
WET Testing (48-hr Acute-NOEC Renewal)[1]	Value	48-hr Min.	Frequency[2]	Type
Daphnia pulex	Report	Report	Once/Quarter[3]	24-hr Composite
Pimephales promelas	Report	Report	Once/Quarter[3]	24-hr Composite

[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 if possible. 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.
[3] Once/quarter for the first four quarters. If all tests pass, reduce the frequency to once/6-months for Daphnia pulex and to once/year for Pimephales promelas. If fails any test, frequency returns to once/quarter for the remainder of the permit term. Frequency reverts to once/quarter on the last day of the permit.

VI. FACILITY OPERATIONAL PRACTICES

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.

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 facility has one significant industrial user (SIU), which is subject to the local limits. Based on the submitted information, EPA has determined the permittee will not be required to develop a full pretreatment program. However, general pretreatment provisions have been included in the permit. 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. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403. The following pollutants may not be introduced into the treatment facility: Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21; Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharge; Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference; Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW; Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits; Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through; Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and any trucked or hauled pollutants, except at discharge points designated by the POTW.

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.

VII. TMDL REQUIREMENTS

The receiving water segment 20.6.4.408 NMAC (Animas River to Cañon Largo) has been listed in the 303(d) list of impaired waters. Public and industrial water supplies are not assessed. Marginal coldwater aquatic life was not fully supporting. Applicable TMDL (Part 1) for this facility was prepared for E. coli in 2005 and approved by EPA in 2005 and 2010. This same TMDL was referenced in the previous permit. Therefore, EPA retains WLA for E. coli of 4.3×10^9 cfu/day with effluent limit of 126 cfu/100ml in the permit renewal. 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.

VIII. ANTIDEGRADATION

The NMAC, Section 20.6.4.8 "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 water, which is protective of the designated uses of that water, NMAC Section 20.6.4.8.A.2. The increased permitted design flow for the facility is from 0.90 MGD to 0.93 MGD. An analysis of the increased in loads from permitted pollutants shows less than 10% of the assimilative capacity and is therefore de-minimus.

IX. ENDANGERED SPECIES CONSIDERATIONS

According to the list updated for San Juan County, NM obtained from http://ecos.fws.gov, there are ten endangered (E) and threatened (T) species: Canada Lynx (T), New Mexico Jumping Mouse (E), Southwestern willow flycatcher (E), Yellow-billed Cuckoo (T), Colorado pikeminnow (E), Razorback sucker (E), Zuni Bluehead Sucker (E), Mancos milk-vetch (E), Knowlton's cactus (E) and Mesa Verde cactus (T). All species, except Southwestern willow flycatcher, were listed in the previous permit with determination of "no effect".

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. There is no designated critical habitat present at the location of the WWTP.

2. The draft permit is consistent with the States WQS and does not increase pollutant loadings.

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.

X. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

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

XI. 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.

XII. VARIANCE REQUESTS

None

XIII. 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.

XIV. FINAL DETERMINATION

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

XV. ADMINISTRATIVE RECORD

The following information was used to develop the proposed permit:

A. APPLICATION(s)

EPA Application Forms 2A dated on April 21, 2014 and 2S dated May 2, 2019. Additional data provided on June 26, July 16, October 31, November 6, and December 3, 2019.

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 August 11, 2017

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, 2018-2020

San Juan River Watershed TMDLs (Part 1), WQCC adoption date June 14, 2005, EPA approved date August 26, 2005