NPDES PERMIT NO. NM0020168
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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DATE PREPARED

January 10, 2021

PERMIT ACTION

Proposed re-issuance of the current permit issued on September 30, 2015, with an effective date of November 1, 2015, and an expiration date of October 31, 2020.

RECEIVING WATER – BASIN

Animas River – San Juan River Basin (Segment 20.6.4.403 NMAC)

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
NOEC	No observable effect concentration
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
POTW	Publicly owned treatment works
RP	Reasonable potential
SS	Settleable solids
SSM	Sufficiently Sensitive Method
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

The changes from the current permit issued on September 30, 2015, with an effective date of November 1, 2015, and an expiration date of October 31, 2020, include:

- Substitute unit (MPN) for E. coli bacteria has been added.
- Concentration and mass limits for BOD_5 have been relaxed.
- 85% removal is calculated monthly instead of weekly.
- TRC has been limited at 19 ug/L for daily max.
- 24-hour composite has been changed to 6-hour one for WET testing.

II. APPLICANT LOCATION and ACTIVITY

As described in the application, the facility (Latitude 36° 49' 07" N and Longitude 108° 01' 24" W) is located at 900 S. Oliver Street, Aztec, San Juan County, New Mexico.

Under the SIC code 4952, the applicant operates City of Aztec WWTP, which has a design flow of 1.2 MGD (current average flow of 0.571 MGD) providing sanitary services for approximately 6,322-population with no significant industrial user. The secondary treatment process mainly consists of head works, two aeration basins, two clarifiers, two aerobic digester, sand filter, a UV disinfection system, a belt press and sludge storage area. Effluent is UV-disinfected before discharging to the Animas River. Sludge is digested, thickened and de-watered before hauled to a landfill. Since the last permit term, the permittee has added ferric chloride and methanol for nutrient removal process. A facility location map is attached.

III. EFFLUENT CHARACTERISTICS

Data submitted in Form 2A is as follows:

Parameter	**Max**	**Avg**
	(mg/l unless noted)	
Flow (MGD)	1.416	0.571
pH, minimum, standard units (su)	7.07	NA
pH, maximum, standard units (su)	7.94	NA
Temperature (C), winter	16.1	13.1
Temperature (C), summer	25.5	22.5
Biochemical Oxygen Demand, 5-day (BOD_5)	37	8.7
E. coli (cfu/100 ml)	22	4.5
Total Suspended Solids (TSS)	22	6.8
Ammonia (as N)	<1	<1
TRC	NA	NA
DO	5.93	5.91
Total Kjeldahl Nitrogen (TKN)	1.4	1.1
Nitrate + Nitrite Nitrogen	<0.5	<0.5
Oil & Grease	<11.5	10.8
Phosphorus (Total)	1.1	0.38
TDS	671	639

DMR show exceedances from 8/1/2017 to 8/1/2020 as follows:
One exceedance of BOD_5 on 5/31/19 and many exceedances for nitrogen and phosphorus.

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 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).

V. DRAFT PERMIT RATIONALE AND 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, TDS, nitrogen and phosphorus.

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 limits established at 40 CFR Part 133.102 for Secondary Treatment Regulation. Pollutants with limits 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; 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). The limit for pH is 6-9 s.u. based on 40 CFR §133.102(c).

Regulations at 40 CFR §122.45(f)(1) require all pollutants limited in permits to have limits expressed in terms of mass such as pounds per day. When determining mass limits for POTWs or 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) * 1.2 MGD = 300 lbs/day
7-day average BOD/TSS loading = 45 mg/l * 8.345 (lbs)(l)/(mg)(MG) * 1.2 MGD = 450 lbs/day

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

Parameter	**30-day Avg, lbs/day, unless noted**	**7-day Max, lbs/day, unless noted**	**30-day Avg, mg/l, unless noted**	**7-day Max, mg/l, unless noted**
BOD_5	300	450	30	45
BOD_5, % removal[1]	≥ 85	---	---	---
TSS	300	450	30	45
TSS, % removal[1]	≥ 85	---	---	---
pH	N/A	N/A	6.0 to 9.0 s.u.	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.

3. Pretreatment Regulation

The facility has no significant industrial user (SIU). No additional condition is added to this permit draft.

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/Tribe

WQS. Effluent limitations and/or conditions established in the draft permit are in compliance with applicable State/Tribe WQS and applicable State/Tribe 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/Tribe narrative and numerical water quality standards are used in conjunction with EPA criterion and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

3. State Water Quality Standards

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC approved on September 12, 2018). The discharge is to Animas River for about 15 miles before reaching San Juan River (20.6.4.403 NMAC). The discharge is further diluted after mixing with San Juan River and discharge from City of Farmington WWTP; protection of NMWQS is also protective of the Navajo Nation WQS. The designated uses of the receiving water are public water supply, industrial water supply, irrigation, livestock watering, wildlife habitat, coolwater aquatic life, and primary contact.

4. Permit Action - Water Quality-Based Limits

Regulations promulgated at 40 CFR §122.44(d) require limits in addition to, or more stringent than effluent limitation guidelines (technology based). State WQS that are more stringent than effluent limitation guidelines are as follows:

a. pH

For primary contact and coolwater aquatic life, criterion for pH is between 6.6 and 9.0 s.u. pursuant to 20.6.4.900.D and H(4) NMAC.

b. Bacteria

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

c. TRC

Criteria for TRC are 19 ug/L and 11 ug/L for acute and chronic aquatic life, respectively, pursuant to 20.6.4.900.J NMAC. 11 ug/L, limited previously, may not be appropriate now because the effluent is UV-disinfected and there has been no data for TRC to evaluate the chronic criterion. EPA establishes limit for TRC at 19 ug/L (daily maxima) due to the acute criterion, which must be met at “end of pipe”. If a test result is less than the MQL specified in Part II.A of the permit it can be reported as zero for compliance purpose. This limit is applicable when chlorine is used in the treatment process.

d. 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 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 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.

Available background data, including 4Q3 and harmonic mean flow, provided by NMED are utilized in the RP analysis. For applicable pollutants with numerical standards in 20.6.4.900.J NMAC, the pollutants (in Tables C & D) having test results above the MQLs/WQS are analyzed for RP in the attached Appendix A. For RP calculation purpose, averaged value of data set is utilized in the RP and ML values are used for those results reported with less than or "ND" at the ML levels.

All the reasonable potentiated parameters below were reported with "ND" (unless noted) at different ML. Summary of the tested methods are compared to the SSM requirement as follow:

Pollutants	**Test Result (Method), ug/L**	**Applicable WQS, ug/L**	**Suggested Method with SSM Complied MDL, ug/L**
Methylmercury	0.2 (EPA 245.1)	1.11×10^{-4} (or 0.3 mg/kg in fish tissue)	NA
Benzidine	0.5 (EPA 625.1)	0.002	0.08 (EPA Method 605)
Hexachlorobenzene	0.5 (EPA 625.1)	0.0029	0.05 (EPA Method 612)

Because the permittee has not demonstrated compliance with the SSM requirement per 40 CFR 122.21(e)(3) for all the parameters in the table above, EPA proposes monitoring for these parameters at once per six months in this permit draft. During the public comment period, the permittee may submit additional tests (one scan for each pollutant) meeting the SSM requirement for these monitored parameters; EPA would reconsider this monitoring requirement depend on the analyses results. Pollutants applicable to the State WQS (listed in Part I.F of permit) that are not listed in Table C of Form 2A will be tested, if the permit will be reapplied, during the permit term pursuant to 40 CFR 122.21(j)(4)(iv).

e. DO

The State of New Mexico WQS criterion applicable to the marginal coldwater aquatic life designated use is at least 6 mg/L for dissolved oxygen. As a part of the permitting process, EPA used the LA-QUAL water quality model, which is a steady-state one-dimensional model which assumes complete mixing within each modeled element, to develop permit parameters for the protection of the State of New Mexico surface water WQS for DO (i.e., 6 mg/L). Primarily based on the City of Aztec Wastewater Treatment Plant's design flow and the critical flow of the receiving water, various BOD_5

factors including BOD_5 Secondary Treatment Standards were considered and simulated to achieve the DO criterion. A complete characterization of Animas River (i.e., water quality and hydrodynamic data) was not available. Where data were not available, estimates and assumptions are made. The following is a summary of model inputs.

The City of Aztec Wastewater Treatment Plant's design flow is 0.052 m^3/sec (1.86 cfs). The discharge location provided in the permit application is located at Latitude 36° 49' 07" N (36.818), and Longitude 108° 01' 24" W (108.023). Other effluent parameters applied in the model include BOD_5/$CBOD_5$/Ultimate/COD (Max: 45 mg/L and Avg: 30 mg/L), DO (Avg: 5.91 mg/L), and effluent temperature (Limit: 29oC).

The receiving stream critical low flow of 2.01 m^3/sec (71.1 ft3/sec), which was provided by NMED, was also applied in the modeling analysis. Other parameters were assumed and applied in the model include Nitrate (Avg: 1 mg/L), DO (WQS: 6 mg/L), E. Coli of 10 cfu/100ml, BOD_5 (Max: 5 mg/L and Avg: 1 mg/L) and temperature of 17.9 ^oC since no data was available,

EPA used the EPA's Environmental Justice Screening and Mapping Tool (Version 2019), and New Mexico's OpenEnviro Map to estimate the average elevation of the study area, the studied receiving stream segment length and average width of Animas River. The average elevation is approximately 1691 meter (5550 feet). The average receiving stream depth of 3 feet (1 meters) and width of 60 feet (20 meters) beyond the outfall was assumed. And, the studied Animas River segment length is approximately 16.8 miles (27 kilometers).

The model results show no excursion of the receiving stream DO standard of 6 mg/L when the BOD_5 limits of 30 mg/l for monthly average and 45 mg/l for 7-day maxima were applied. EPA establishes the water-based limits for BOD5 of 30 mg/L (for monthly average) and 45 mg/L (for 7-day maxima) along with the corresponding loads in the draft permit. Previously, 25 mg/l for monthly average and 35 mg/l for 7-day maxima. This limit relaxation does not violate the Antibacksliding regulation mentioned below because there is now new information that was not available during the previous permit renewal process.

The model results are based on the assumptions and default values as explained and presented above. Should these conditions change, the model should be updated to provide a more accurate assessment of the water quality within the receiving waterbody.

f. TDS- Colorado River Salinity Control Program

20.6.4.54 NMAC states, 'For the tributaries of the Colorado river system, the state of New Mexico will cooperate with the Colorado River Basin states and the federal government to support and implement the salinity policy and program outlined in the most current "review, water quality standards for salinity, Colorado river system" or equivalent report by the Colorado river salinity control forum.' The most updated version found is 2017 Review. The incremental increase in salinity must be 400 mg/L or less, which is the same previous limit. Limit for TDS is retained.

g. Nutrients

Due to a lot of exceedances during the last permit term, limits for total nitrogen and phosphorus are retained in this permit draft.

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). EPA established the monitoring frequency based on Table 9 (page 34 of the NMIP) for design flow between 1.0 and 5.0 MGD and history compliance.

Parameter	Frequency	Sample Type
Flow	Daily	Totalized Meter
pH	Daily	Instantaneous Grab
BOD_5	1/week	6-hr Composite
TSS	1/week	6-hr Composite
% Removal	1/month	Calculation
TRC*	Daily	Instantaneous Grab
E. coli Bacteria	1/week	Grab
Total Phosphorus	2/month	6-hr Composite
Total Nitrogen	2/month	6-hr Composite
TDS	1/month	6-hr Composite
Toxics	1/six months	Grab

* When chlorine is used in the treatment process, including cleaning treatment units.

E. WHOLE EFFLUENT TOXICITY

Procedures for implementing WET terms and conditions in NPDES permits are contained in the NMIP. Table 11 (page 42) of the NMIP outlines the type of WET testing for different types of discharges. The receiving water (Animas River), a perennial stream has a 4Q3 of 71.1 cfs (lower compared to the previous permit). With the facility design flow rate of 1.2 MGD and mixing fraction of 100%, a CD is calculated about 2.5%. Because the critical dilution is below 10%, an acute-to-chronic ratio of 10:1 is used to allow acute WET testing instead of chronic WET testing. Submitted WET data show RPs exist for both vertebrate and invertebrate species at the CD (see attached Reasonable Potential Analyzer). Previously, the CD was 8.4% and the required highest dilution was 11.2%; all the WET tests passed at 11.2% dilution. If the CD of 2.5% is used in the RP analyzer, the WET results at 11.2% dilution would qualitatively cause no RP excursions. For this reason, EPA proposes no limitation for WET.

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 11%, 14%, 19%, 25%, 33%. The low-flow effluent concentration (critical low-flow dilution) is defined as 25% effluent. The permittee shall limit and monitor discharge(s) as specified below:

WET Testing (48-hr Static Renewal)[1]	NOEC	Frequency	Type
Daphnia pulex	Report	Once/Quarter	6-hr Composite[2]
Pimephales promelas	Report	Once/Quarter	6-hr Composite[2]

[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. EPA outlines steps for retesting/TRE since the facility has quarterly testing.
[2] To be consistent to other comparable parameters.

VI. TMDL REQUIREMENTS

The receiving water segment 20.6.4.403 NMAC (San Juan River) has been listed in the 303(d) list of impaired waters. Designated uses of coolwater aquatic life and primary contact are not supporting. This

facility is still subject to the 2013 EPA-approved TMDL for E. coli and 2006 EPA-approved TMDL for nutrients. Limits for E. coli in this TMDL are 126 cfu/100 ml and $4.8x10^9$ cfu/day. Limits for nutrients and E. colie are retained in this permit draft since the same TMDLs were used to establish the limits previously. Unit cfu or MPN can be used for E. coli bacteria. The permit has a standard reopener clause that would allow the permit to be changed if at a later date additional requirements on new or revised TMDLs are completed.

VII. 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.

VIII. 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)(2)(i)(B), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless information is available which was not available at the time of permit issuance. No draft permit condition is less stringent than the previous one.

IX. ENDANGERED SPECIES CONSIDERATIONS

According to the list updated on August 13, 2020 for San Juan County, NM obtained from http://ecos.fws.gov, there are endangered/threatened species that were listed in the previous permit: Southwestern willow flycatcher, Colorado pikeminnow, Razorback sucker, Mancos milk-vetch, Knowlton's cactus, Mesa Verde cactus, Yellow-billed Cuckoo, Zuni bluehead sucker and Canada Lynx. These species were determined with "no effect". Since then, there has been one addition endangered species: New Mexico meadow jumping mouse. According to the Recovery Outline for the mouse in June 2014, the species is endangered because of habitat loss; the main sources of the loss include grazing eliminating herbaceous vegetation, lack of water, severe wildland fire, souring flooding, highway reconstruction, unregulated recreation, loss of beaver ponds and mowing of riparian vegetation.

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 no information determining that the reissuance of this permit will have "effect" on listed threatened and endangered species nor will adversely modify designated critical habitat. EPA makes this determination based on the following:

1. EPA has received no additional information since the previous permit issuance which would lead to revision of its determinations.

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

X. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of the permit should have no impact on historical and/or archeological sites since no new 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 draft permit:

A. APPLICATION(s)

EPA Application Forms 2A and 2S dated August 11, 2020; additional information received on November 19, 2020

B. 40 CFR CITATIONS

Sections 122, 124, 125, 133, 136, 434

C. STATE OF NEW MEXICO REFERENCES

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, effective September 12, 2018.

State of New Mexico 303(d) List for Assessed Stream and River Reaches, 2018-2020

TMDL For the San Juan River Watershed (Part II), January 17, 2006

TMDL For the Animas River Watershed [San Juan River to Southern Ute Indian Tribe Boundary], September 30, 2013

D. MISCELLANEOUS

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

2017 Review Water Quality Standards for Salinity Colorado River System, October 2017

NMED emails dated November 9, 2020

Permittee email dated November 19, 2020

Recovery Outline: New Mexico Meadow Jumping Mouse (Zapus hudsonius luteus), June 2014