

DRAFT NPDES PERMIT NO. NM0030953
FACT SHEET

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

APPLICANT

Navajo Dam DWC & MSW Inc.
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ISSUING OFFICE

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DATE PREPARED

May 9, 2014

PERMIT ACTION

Proposed reissuance of the current NPDES permit issued July 30, 2007, with an effective date of September 1, 2007, and an expiration date of August 31, 2012, which prohibits discharges of backwash and flush water into the San Juan River.

RECEIVING WATER – BASIN

San Juan River (Cañon Largo to Navajo Reservoir) – 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
ELG	Effluent limitations guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
F&WS	United States Fish and Wildlife Service
mg/L	Milligrams per liter
µg/L	Micrograms per liter
MGD	million gallons per day
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMIP	New Mexico NPDES Permit Implementation Procedures
NMWQS	New Mexico State Standards for Interstate and Intrastate Surface Waters
NPDES	National Pollutant Discharge Elimination System
ML	Minimum quantification level
O&G	Oil and grease
PCB	Polychlorinated Biphenyl
POTW	Publically owned treatment works
RP	Reasonable potential
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	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

In this document, references to State WQS and/or rules shall collectively mean the State of New Mexico.

I. CHANGES FROM THE PREVIOUS PERMIT

Changes from the permit previously issued July 30, 2007, with an effective date of September 1, 2007, and an expiration date of August 31, 2012, are:

1. Wet toxicity testing and frequency has been modified.
2. Total suspended solids (TSS) limits have been added, upon discharge.
3. Bacteria limits have been added, upon discharge.
4. A minimum dissolved oxygen (DO) limit has been added, upon discharge.
5. Temperature limits have been added, upon discharge.
6. Dissolved selenium limits have been added, upon discharge.
7. A maximum total residual chlorine (TRC) limit has been added, upon discharge.
8. A full pollutant scan requirement has been added, upon initial discharge.

II. APPLICATION LOCATION and ACTIVITY

As described in the application, the plant is located at 4 County Road 42670, Navajo Dam, San Juan County, New Mexico. In the event of emergency discharges, the facility would discharge via overflow line to the San Juan River (Cañon Largo to Navajo Reservoir) in Segment No. 20.6.4.405 of the San Juan River Basin. The discharge is located on that water at latitude 36° 48' 47" N and longitude 107° 41' 80" W, in San Juan County, New Mexico.



Under the SIC Code 4941, the applicant's activities are surface water treatment operations.

As described in the Compliance Evaluation Inspection (CEI) reports dated August 17, 2011, and June 7, 2013, the treatment processes for the facility are as follows:

The Navajo Dam DWC & MSW Inc. Water Treatment plant consists of two water storage ponds to remove solids and store raw water, backwash and flush water from two membrane filtration units. The new plant (on-line April 17, 2013) has a 0.1 MGD design capacity to treat surface water using a conventional treatment process (coagulation, flocculation, sedimentation, filtration, disinfection). The backwash pond and settling pond capacities are 90,000 gallons and 200,000 gallons, respectively. Water treatment and cleaning chemicals such as liquid polymer/alum mix potassium permanganate sodium hypochlorite, caustics and/or acid to control algae are fed into the water treatment system. Liquid chlorine is injected into filtered water for disinfection. Backwash and rinse water is pumped to the backwash pond, overflows into the settling pond, and is reused in the treatment plant.

III. RECEIVING STREAM STANDARDS

The general and specific stream standards are provided in NMWQS (20.6.4 NMAC, amended through June 5, 2013). In the event of emergency discharges, the facility discharges to San Juan River (Cañon Largo to Navajo Reservoir) in Segment No. 20.6.4.405 of the San Juan River Basin. Segment No. 20.6.4.405 has designated uses of irrigation, livestock watering, wildlife habitat, high quality coldwater aquatic life, public water supply, industrial water supply and primary contact.

IV. EFFLUENT CHARACTERISTICS

The Navajo Dam water system is designed to reuse all water in the treatment process and eliminate all discharges to the San Juan River; therefore, the facility is not authorized to discharge. A capped emergency overflow line, intended to discharge to the San Juan River, was installed in the settling pond to reduce system damage should the ponds fill to capacity. Should an emergency situation necessitate a discharge, the overflow line cap would need to be removed by hand.

Although the facility has not discharged, a quantitative description of the discharge(s) described in EPA Permit Application Forms 2E and 2C received January 2, 2013, and July 19, 2013, respectively, are presented in Table 1 below:

POLLUTANT TABLE – 1

Parameter	Max Daily Value	Max 30 Day Value	Long Term Avg Value
	(mg/l unless noted)		
Flow, million gallons/day (MGD)	0.004	0.0036	NDR
pH, minimum, standard units (SU)	NDR	NDR	N/A
pH, maximum, standard units (SU)	NDR	NDR	N/A
Temperature, winter	NDR	NDR	NDR
Temperature, summer	NDR	NDR	NDR

NDR – no data received

ND – Not detected

V. REGULATORY AUTHORITY/PERMIT ACTION

In November 1972, Congress passed the Federal Water Pollution control Act establishing the NPDES permit program to control water pollution. These amendments established technology-based or end-of-pipe control mechanisms and an interim goal to achieve “water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water” more commonly known as the “swimmable, fishable” goal. Further amendments in 1977 of the CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry and established the basic structure for regulating pollutants discharges into the waters of the United States. In addition, it made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. Regulations governing the EPA administered NPDES permit program are generally found at 40 CFR §122 (program requirements & permit conditions), §124 (procedures for decision making), §125 (technology-based standards) and §136 (analytical procedures). Other parts of 40 CFR provide guidance for specific activities and may be used in this document as required.

The applicant submitted a complete permit application on April 9, 2013. It is proposed that the permit be reissued for a 5-year term following regulations promulgated at 40 CFR §122.46(a). The existing NPDES permit initially issued July 30, 2007, with an effective date of September 1, 2007, and an expiration date of August 31, 2012.

VI. 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 require that NPDES permit limits are developed that meet the more stringent of either technology-based effluent limitation guidelines (ELGs), numerical and/or narrative water quality standard-based effluent limits, or the previous permit.

Technology-based effluent limitations are established in the draft permit for TSS. Water quality-based effluent limitations are established in the proposed draft permit for pH. Additional water quality-based limits for E. coli, TRC, DO, specific conductance, temperature, and dissolved selenium are proposed in the draft permit.

B. 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, fecal coliform, pH, and O&G.

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

The Navajo DWC & MSW Inc. Water Treatment plant is a privately owned facility which treats surface water. Discharges from similar facilities (e.g City of Springer, City of Santa Fe, Village of Ruidoso, Village of Cuba, City of Bloomfield etc) are required to meet 30-day average and daily maximum TSS limitations of 20 mg/l and 30 mg/l, respectively. Therefore, BPJ-based effluent limitations for TSS are established, upon initial discharge. ELGs for pH are between 6-9 s.u. Additionally, regulations at 40 CFR §122.45 (f)(1) require all pollutants limited in permits to have limitations expressed in terms of mass, such as pounds per day. However, discharge of filter backwash water and filter-to-waste water discharges to a backwash pond. Because discharge will only occur in an emergency situation, mass limitations are not established in this proposed permit.

A summary of the technology-based limits for the Navajo Dam Water Treatment facility is:

Technology-Based Effluent Limits – 0.004 MGD Design flow.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			
	lbs/Day		mg/l (unless noted)	
Parameter	30-Day Avg.	7-Day Avg.	30-Day Avg.	7-Day Avg.
Flow	NA	NA	Measure MGD	Measure MGD
TSS	NA	NA	20	30
pH	NA	NA	6.0 - 9.0 s.u.	

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 the State WQS and applicable State water quality management plans to assure that surface WQS of the receiving waters are protected and maintained, or attained. Permit limits will ensure downstream WQS will be met in accordance with 40 CFR §122.4(d).

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, amended through June 5, 2013). The facility has a potential to discharge into San Juan River (Cañon Largo to Navajo Reservoir) in Segment No. 20.6.4.405 of the San Juan River Basin. Segment No. 20.6.4.405 has designated uses of high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply, industrial water supply 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 ELGs (technology based). State WQS that are more stringent than ELGs are as follows:

a. Specific Conductance

The State of New Mexico WQS criteria applicable to the high quality coldwater aquatic life designated use require a specific conductance between 300 $\mu\text{S}/\text{cm}$ and 1500 $\mu\text{S}/\text{cm}$ depending on the natural background in the particular surface water of the state. Therefore, the draft permit will propose a limit of 300 $\mu\text{S}/\text{cm}$ and 1500 $\mu\text{S}/\text{cm}$, upon initial discharge then once per week thereafter.

b. Bacteria

The State of New Mexico WQS for Segment No. 20.6.4.405 requires a monthly geometric mean for E. coli bacteria of 126 cfu/100 mL or less, and a single sample of 235 cfu/100 mL or less. This is more limiting than the technology-based limit presented above. Therefore, the draft permit will propose a monthly geometric mean limit of 126 cfu/100 mL or less, and a single sample of 235 cfu/100 mL or less, upon initial discharge then once per week thereafter.

c. Dissolved oxygen (DO)

The State of New Mexico WQS criterion applicable to the high quality coldwater aquatic life designated use requires dissolved oxygen of 6.0 mg/l or more. This is more limiting than the technology-based limit presented above. A minimum limit of 6.0 mg/l will be the DO limit proposed in the draft permit, upon initial discharge then once per week thereafter.

d. pH

The WQS criteria applicable to the high quality coldwater aquatic life designated use require pH to be between 6.6 and 8.8 s.u. This is more limiting than the technology-based limit presented above. Therefore, the draft permit will maintain a limit of 6.6 to 8.8 s.u.

e. Total Residual Chlorine

The WQS for TRC is 11 µg/l for both chronic aquatic life and wildlife habitat, and 19 µg/l for acute aquatic life. State implementation procedures allow for a mixing zone to be used for chronic standards, while acute standards must be met at end-of-pipe. The NM Implementation Plan strategy for TRC requires the most limiting of the critical dilution/chronic criteria concentration of 11 µg/l or end-of-use/acute criteria concentration of 19 µg/l be used in determining the limit. The San Juan River has a 4Q3 of 0.004 MGD; therefore, the critical dilution is 0.0017167%. However, a critical dilution of 1% is used in this draft permit, as was used in the previous permit. The 11 µg/l would be the most limiting and will be the TRC limit proposed in the draft permit, upon initial discharge then daily thereafter.

f. Temperature

The WQS criteria applicable to the high quality coldwater aquatic life designated use require a 4T3 temperature of 20°C (68°F) and a maximum temperature of 23°C (73°F). Therefore, the draft permit will propose a 4T3 temperature of 20°C (68°F) and a maximum temperature of 23°C (73°F) for any single sample, upon initial discharge then once per week thereafter.

g. 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 Publicly Owned Treatment Works (POTWs), but also to facilities that are similar to POTWS, but which do not meet the regulatory definition of “publicly owned treatment works” (i.e., private domestics, or similar facilities on Federal property). The forms were designed and promulgated to “make it easier for permit applicants to provide the necessary information with their applications and minimize the need for additional follow-up requests from permitting authorities,” per the summary statement in the preamble to the Rule. These forms became effective December 1, 1999, after publication of the final rule on August 4, 1999, Volume 64, Number 149, pages 42433 through 42527 of the FRL.

The facility is designated as a minor, and does not need to fill out the expanded pollutant testing section Part D of Form 2A. However, because a discharge potential exists, the draft permit will propose monitoring and submittal of the expanded pollutant testing section Part D of Form 2A, upon initial discharge, to ensure potential toxics do not exceed RP.

ii. 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. Both the NMWQS and NMIP 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 draft permit establishes a critical dilution based on the 4Q3 utilized in the current permit.

For permitting purposes of certain parameters such as WET, the critical dilution of the effluent to the receiving stream is determined. The critical dilution, CD, is calculated as:

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

Q_e = facility flow (0.004 MGD/0.0062 cfs)

Q_a = critical low flow of the receiving waters (233 MGD/361.15 cfs)

F = fraction of stream allowed for mixing (1.0)

$$\begin{aligned} CD &= 0.004 \text{ MGD} / [(1.0)(233) + 0.004] \\ &= 0.000017167 \\ &= 0.0017167 \% \end{aligned}$$

Since the 4Q3 is 0.004 MGD, the critical dilution is 0.0017167%. However, a critical dilution of 1% will be used to establish certain permit limits, as was used in the previous permit.

iii. Selenium

The WQS criteria applicable to the irrigation designated use requires dissolved selenium limits of 0.13 mg/l and 0.25 mg/l (in presence of >500 mg/l SO₄). Therefore, the draft permit will propose maximum limits of 0.13mg/l (in presence of ≤500 mg/l SO₄) and 0.25 mg/l (in presence of >500 mg/l SO₄) for any single sample, upon initial discharge then once per week thereafter.

5. 303(d) List Impacts

According to the "2012-2014 State of New Mexico Integrated Clean Water Act Section 303(d) / 305(b) Report," the San Juan River from Cañon Largo to Navajo Reservoir (Assessment Unit NM-2405_10) in Segment No. 20.6.4.405 was studied, but not found to have any impairments. EPA has determined the established limitations do not cause or contribute to further impairment. The Upper San Juan is classified as Category 2 with high quality coldwater aquatic life, irrigation, livestock watering, primary contact, and wildlife habitat as fully supporting; and, Industrial and public water supply have not been assessed. The monitoring schedule is set for

2018. The standard reopener language in the permit allows additional permit conditions if a future TMDL is established.

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). Flow is proposed to be monitored once (1) time per day, consistent with the current permit. Technology-based TSS pollutants are proposed to be monitored, upon initial discharge then one (1) time per week thereafter. The sample type for TSS shall be by grab sample.

Water quality-based pollutant monitoring frequency for E. coli, specific conductance, dissolved selenium, DO and temperature shall be monitored upon initial discharge then one (1) time per week by grab sample thereafter. Total aluminum, nickel, zinc and copper shall be monitored one (1) time per week by grab sample. TRC shall be monitored, upon initial discharge then daily thereafter by instantaneous grab sample. The pH shall be monitored one (1) time per day by grab sample, consistent with the previous permit. Regulations at 40 CFR §136 define instantaneous grab as being analyzed within 15-minutes of collection.

E. WHOLE EFFLUENT TOXICITY REQUIREMENTS

In Section V.C.4.g.ii. above; “Critical Conditions”, the facility’s critical dilution, CD, calculation was shown, and determined that a CD of 1% is used in this draft permit. Based on the nature of the discharge; drinking water treatment plant, the production flow; 0.004 MGD (0.0062 cfs), the nature of the receiving water; intermittent, and the critical dilution; 1%, the NMIP directs the WET test to be a 48-hour acute test using *Daphia pulex* and *Pimephales promelas* at a once per year frequency for the permit term. According to the NMIP, when a test frequency is 1 time a year or less, the test should occur in winter or springtime when most sensitive juvenile life forms are likely to be present in receiving water and colder ambient temperatures might adversely affect treatment processes. This will generally be defined as between November 1 and April 30.

The draft permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests based on a 0.75 dilution series. These additional effluent concentrations shall be 0.4%, 0.6%, 0.8%, 1% and 1.3%. The low-flow effluent concentration (critical low-flow dilution) is defined as 1% effluent.

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 001 - the discharge to the San Juan River in Segment No. 20.6.4.405 of the San Juan River Basin. Discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE MONITORING</u>	
	<u>30-DAY AVG MINIMUM</u>	<u>7-DAY MINIMUM</u>
Whole Effluent Toxicity Testing (48-Hr. Static Non-Renewal) 1/		
<i>Daphnia pulex</i>	REPORT	REPORT
<i>Pimephales promelas</i>	REPORT	REPORT

<u>EFFLUENT CHARACTERISTIC</u>	<u>MONITORING REQUIREMENTS</u>	
	<u>FREQUENCY</u>	<u>TYPE</u>
Whole Effluent Toxicity Testing (48-Hr. Static Non-Renewal) 1/		
<i>Daphnia pulex</i>	1/ year	Grab
<i>Pimephales promelas</i>	1/ year	Grab

FOOTNOTES

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

VII. ANTIDegradation

The State of New Mexico has antidegradation requirements to protect existing uses through implementation of their WQS. The limitations and monitoring requirements set forth in the draft permit 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.

IX. ANTIBACKSLIDING

The draft permit is consistent with the requirements to meet antibracksliding provisions of the Clean Water Act, Section 402(o) and 40 CFR 122.44(l)(1), 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. The draft permit maintains the effluent limitations of the previous permit for pH and flow.

The draft permit amends the effluent limitations of the previous permit for biomonitoring from the 24-hour acute test using *Daphia pulex* and *Pimephales promelas* with a 1% dilution at a once per term frequency to a 48-hour acute test using *Daphia pulex* and *Pimephales promelas* with a dilution series of 0.4%, 0.6%, 0.8%, 1% and 1.3% at a once per year frequency. See Part VI.C.3 above. The permit writer has determined that the effluent limitations proposed in the draft permit meet the antibacksliding provisions established at 40 CFR 122.44(l)(i)(B)(1).

X. 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/NewMexico/ES_home.cfm, eight species in San Juan County are listed as endangered (E) or threatened (T). The lone avian species is the Southwestern willow flycatcher (*Empidonax traillii extimus*) (E). The two fish species include the Colorado pikeminnow (*Ptychocheilus lucius*) (E) and the Razorback sucker (*Xyrauchen texanus*) (E). The three plant species include the Knowlton's cactus (*Pediocactus knowltonii*) (E), the Mancos milk-vetch (*Astragalus humillimus*) (E) and the Mesa Verde cactus (*Sclerocactus mesae-verdae*) (T). The American bald eagle (*Haliaeetus leucocephalus*) was previously listed in San Juan County; however, the USFWS, removed the American bald eagle in the lower 48 states from the Federal List of Endangered and Threatened Wildlife Federal Register, July 9, 2007, (Volume 72, Number 130).

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, the 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. The EPA makes this determination based on the following:

1. The EPA determined that the previous permit, issued on July 30, 2007, would have “no effect” on listed threatened and endangered species nor will adversely modify designated critical habitat.
2. Except for the removal of the bald eagle, the Mexican Spotted Owl and the Black-footed ferret, no changes have been made to the USFWS list of threatened and endangered species and critical habitat designation in the area of the discharge since prior issuance of the permit.
3. The EPA has received no additional information since July 30, 2007, which would lead to the revision of its determination.
4. EPA determines that Items 1, 2, and 3 result in no change to the environmental baseline established by the previous permit. Therefore, the EPA concludes that the reissuance of this permit will have “no effect” on listed threatened and endangered species nor will adversely modify designated critical habitat.

XI. HISTORICAL and ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The reissuance of this permit should have no impacts on historical properties since no construction activities are proposed during its reissuance.

XII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of the State WQS are revised or remanded. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the State Water Quality Standards are either revised or promulgated. Should the State adopt a new WQS, and/or develop or amend a TMDL, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard and/or water quality management plan, in accordance with 40 CFR 122.44(d). Modification of the permit is subject to the provisions of 40 CFR 124.5.

XIII. VARIANCE REQUESTS

No variance requests have been received.

XIV. CERTIFICATION

The permit is in the process of certification by the State of New Mexico following regulations promulgated at 40 CFR §124.53. A draft permit and draft public notice will be sent to the District Engineer, Corps of Engineers; to the Regional Director of the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service prior to the publication of that notice.

XV. FINAL DETERMINATION

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

XVI. ADMINISTRATIVE RECORD

The following information was used to develop the draft permit:

A. APPLICATION(s)

EPA Application Form 2E received January 2, 2013.

EPA Application Form 2C received July 19, 2013.

B. 40 CFR CITATIONS

Citations to 40 CFR as of May 2, 2014.

Sections 122, 124, 125, 133, 136

C. STATE WATER QUALITY REFERENCES

New Mexico State Standards for Interstate and Intrastate Surface Water, 20.6.4 NMAC, as amended through June 5, 2013.

Procedures for Implementing NPDES Permits in New Mexico, March 15, 2012.

Statewide Water Quality Management Plan, December 17, 2002.

State of New Mexico 303(d) List for Assessed Stream and River Reaches, 2012-2014.

D. OTHER

Compliance Evaluation Inspection of the Navajo Dam DWC & MSW Inc. Water Treatment Plant, NPDES Permit No. NM0030953, May 15, 2013.

Compliance Evaluation Inspection of the Navajo Dam DWC & MSW Inc. Water Treatment Plant, NPDES Permit No. NM0030953, August 17, 2011.